

REPORT
OF
CERTAIN PROCEEDINGS
OF THE
INHABITANTS
OF THE
TOWN OF SAINT JOHN,
IN THE
Island of Newfoundland.

With the view to obtain a REFORM of the LAWS, MORE
PARTICULARLY IN THE MODE OF THEIR ADMINISTRATION;
and an INDEPENDENT LEGISLATURE.

SAINT JOHN'S:
PRINTED BY LEWIS K. RYAN,
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PREFACE.

THE following pages contain an account of the trial and punishment of BUTLER and LANDERGAN—cases which are too well known in Newfoundland to be readily forgotten, and which are now published from no vindictive feeling, but merely as they are connected with the proceedings to which they gave rise, and may hereafter be conducive to the public good. It has been well observed by a popular writer, that the flagrant abuse of any power in England always produces re-action, which either demonstrates that power to be contrary to the constitution, or by an expression of public feeling restrains it for the future. The oppression of an obscure individual was the cause of the famous *habeas corpus* act: the unjust punishment of two poor Planters in Newfoundland may have the effect of raising the people to a level with the other colonists of North America, and securing to their posterity the invaluable privileges of British subjects.

One would imagine, that merely glancing at the anomalous government of Newfoundland, and the desolate aspect of the country, would be sufficient for any dispassionate and reflecting man, to connect the cause and effect, and point out to him the true source of the present condition of the people. We in vain look for any Government constituted like ours: it stands *unique* in the history of nations; and as vain should we look for such an appearance of neglect and distress. Yet such is the influence of interest upon a few, and habit and prejudice upon many, that every effort at improvement raises an host of enemies. But it is to be hoped that time, and the assiduous dissemination of truth, will be able to overcome them, and unite the people in one common sentiment of patriotism.

It is with this view that the friends of a constitutional form of Government have united themselves. In the pursuit of this object it was natural for them to expect opposition, and the usual concomitants, misrepresentation and abuse. They have been accused of arrogating to themselves the power of making laws for Newfoundland. They arrogate no such power. They claim nothing for themselves but which shall be common to all: but they claim, and *they will exercise* the privilege of expressing their sentiments upon what so deeply interests themselves, and of using all lawful ways and means of ameliorating their condition. They will be judged by every man interested in the welfare of Newfoundland, who will calmly look round him and say, whether this country has obtained that state of natural and social improvement of which it is capable—whether the best laws have been made for it—whether justice is speedily and uprightly administered in every part of the Island—whether its foreign trade has been secured by the best treaties—whether its domestic conveniences, its roads, soil and productions, the education, habits and morals of the people, have been carefully improved. If, on the con-

trary, they have been neglected, and even opposed, he cannot hesitate to unite in endeavouring to obtain for Newfoundland a government which comprehends in itself part of the people, and is best calculated to know their interests and their wants, and will be most zealous to attend to them. One of our political writers says—"Born and having spent the early part of my life in Britain, I had learned to value the customs, the institutions, the laws and government of my native country. On setting my foot in this colony, I in vain looked round me for even a semblance of what I considered to constitute the felicity, the pre-eminence of Britain. I resolved to dedicate all the abilities with which nature had endowed me, and all the influence which my circumstances or my situation might command, to procure for a people with whom, in all probability, I might spend the evening of my life, and with whom my children might live after, the rights and privileges of British subjects. In the pursuit of this resolve, I believe I shall best discharge my duty to my country, and that by endeavouring to cherish a similarity of feeling and of sentiment, founded on a similarity of rights and a reciprocity of interests, the connection between this and the mother country will be best consolidated and most certainly perpetuated. I foresaw that in the pursuit of this line of conduct I should create to myself many enemies; that I should have to contend against powerful combinations. I prepared myself for meeting with insult, opprobrium, and even persecution. I well knew that all men who come forward with the view to expose error and to ameliorate the condition of their fellow men, are sure to unkennel a pack of enemies.—But I have now a commanding view of the whole political field of Newfoundland. I perceive that the impulse which has been given to liberty and manly feeling cannot be arrested.—Justice, arrayed in robes of celestial purity, has asserted that station, that superiority, which is its due."

The present mode of administering justice by floating Surrogates does not give satisfaction to a single individual beyond those who may find sixty pounds a year useful to them. The Gentlemen of the Navy are said to dislike it, and have it imposed upon them as a point of necessity. The absurdity of having the laws of England administered by men who probably never entered a civil court, until they entered it as Judges, is too much for any argument to touch. It might be as proper to require a gentleman to expound a difficult text in Hebrew, or give a valuable commentary upon some Greek writer, who never learned these languages.

A REPORT
OF
CERTAIN PROCEEDINGS OF THE INHABITANTS
OF THE
TOWN OF SAINT JOHN'S,
IN THE ISLAND OF NEWFOUNDLAND.

IN the Fall of 1820 the inhabitants of this country were much agitated, in consequence of certain Judicial transactions developed in two trials in the Supreme Court of this Island, BUTLER vs. BUCHAN and LEIGH, and LANDERGAN vs. BUCHAN and LEIGH. A Meeting of the Inhabitants of St. John's was convened on the 14th November, by public Advertisement, and Resolutions were then entered into which may have considerable influence on the destinies of Newfoundland. A faithful and comprehensive narrative of the proceedings of the Committee then appointed, and of a subse-

quent town's Meeting, with the cases which gave rise to them, cannot fail to be interesting to all who wish well to the prosperity, the happiness, and the liberty of the Colony. In after ages, such a narrative will contain useful matter for the historian of Terra Nova.

We shall commence with a summary of the trials, nearly as they appeared in the Sentinel Newspaper.

SAINT JOHN'S, 11th NOVEMBER, 1820.

Law Intelligence.

SUPREME COURT.

**PHILIP BUTLER, vs. DAVID BUCHAN, Esq. and
THE REV. JOHN LEIGH.**

THIS was an Action of Trespass, for a violent Assault and False Imprisonment. The Damages were laid at £500.—The Defendants pleaded the general issue, and also a justification that the Defendants were Judges of a Court of Record, and that the sentence passed by them was in their judicial capacity—and also pleaded to the jurisdiction of the Supreme Court, which latter plea was over-ruled by the Court.

The Plaintiff is a Planter residing at Harbor-Main, who, in right of his wife, was possessed of a Plantation there. The Defendants are Surrogates—the one a Captain in H. M. Navy, the other an Episcopal Missionary at Harbor Grace. The Plaintiff, in consequence of the failure of the Fishery, became indebted to his Merchants in a considerable sum, and gave them a mortgage upon this plantation for their security, which he being unable to discharge at the time limited in the proviso for redemption, Messrs. Trimingham & Co. petitioned the Surrogate Court for a foreclosure; which the Court granted, and

ordered Messrs. Trimmingham & Co. to be put in possession.—
The Sheriff sent instructions to a Constable in Harbor Main to that effect, who went twice to Butler's House for the purpose, but Butler kept his door shut both times, and refused to give up the property, alleging that it belonged to his wife.

In the Summer of 1819, Captain Rowley, R. N. held a Surrogate Court at Harbor Grace, and Butler was summoned before him to shew cause why he should not deliver up the possession, and he attended accordingly. On being interrogated by the Court, why he refused to do so, he replied, that his wife considered the property to be her's, and she would not give it up. The Court, however, advised him to do it, which he promised, but when he returned home he again refused.—
In the early part of last July the Defendants, as Surrogates, held a Court at Harbor Main, and the Plaintiff was summoned before them; he attended accordingly, when a charge was exhibited against him for divers contempts of the Surrogate Court. The Court asked Butler why he continued to hold possession of the Property, when he urged his old plea, that the property was his wife's, and that *she* held possession. All the Witnesses concurred in their testimony that his conduct before the Surrogates was most respectful and correct. The Court sentenced him to receive *thirty-six lashes on the bare back*, and he was immediately taken to a picket fence, and tightly bound to it by his hands and legs, when the Boatswain's mate of H. M. S. Grasshopper, of which Captain Buchan is commander, and who had previously brought two cats-o'-nine-tails in the boat with the Defendants, proceeded to carry the sentence into execution, and inflicted 12 lashes. The remainder of the punishment was remitted on his promising to give up the property.

These facts being clearly proved in evidence, the learned Judge proceeded to charge the Jury to the following effect:—

"That as the leading facts of the alleged trespass were not disputed, but justified under the general issue and the statute 49th Geo. 3d, the whole case turned upon the defence, and the simple issue was whether the Defendants had acted within their jurisdiction as Surrogates.

"Allusions had been made at the opening of the defence, to certain opinions which were understood to have been obtained at the solicitation of the Government of the Island from His Majesty's Law Officers, touching the jurisdiction of the Courts in Newfoundland. The Court was in possession of those opinions, and it was but fair to state, that supposing the general principle upon which they seemed to be founded to be correctly understood by the Court, the Surrogates in passing beyond the line of duty expressly pointed out by the third section of the Act, had exceeded their authority, and were without the protection of law. The principle of the opinions, as apprehended by the Court, was this, that the Courts of the Island were expressly restricted in the exercise of their authority to the cases and manner of proceeding specified in the particular clauses of the act. But the Court entertained a different view of the Act, and however reluctant it might be to dissent from opinions of such high authority, it was bound to declare its own conscientious interpretation of the law. The second section of the Act, under which Surrogate Courts were instituted, directed such Courts to entertain all suits and complaints of a civil nature arising within the Island, and to decide them according to the law of England. To give this clause any operation at all, it was necessary that it should include every subordinate power. It was in fact the main basis upon which the jurisdiction of the Court rested, and without, it would be impossible to get through the ordinary business of a single day. By carefully examining the particular clauses of the Act, they would all be found to be creative of new powers,

or introductory of new and peculiar modes of proceeding which differed from the Law of England; and required the express enactments of a statute to give them force in the Island. It was not contended that the Surrogate Courts could exert an authority inconsistent with the Statute; but that every power and mode of proceeding known to the Law of England, and necessary to enable the Courts to exercise the general Jurisdiction which had been given to them, and not expressly altered by the Act, was within the authority of the Courts, and formed part of that law which they were directed to administer; for *Quando aliquid mandatur, mandatur et omne per quod pervenitur ad illud*.

"That under this view of the Act the Surrogate Courts of the Island were invested with similar powers to the Courts of Record in England; and among those powers was that of punishing contempts against the process of the Court. It was said by Blackstone that the Courts at home sometimes punish contempts by corporal or infamous punishment. There are, perhaps, no modern instances of their doing so, and however this Court might have pursued a different course, it was not competent to it to question the propriety of the grounds upon which the Surrogates thought fit to exert their authority. The Court then proceeded to detail the evidence, and expressed its opinion that the Defendants had acted within their jurisdiction as Surrogates, and were entitled to a verdict."

The Jury retired for a considerable time, and returned a verdict, "Not Guilty."

**JAMES LANDERGAN, vs. DAVID BUCHAN, Esq.
AND THE REV. JOHN LEIGH.**

This also was an Action of Trespass for a violent Assault and False Imprisonment, and was tried the following day. The Damages were laid at £1500.

The Plaintiff's Counsel stated that he (the Plaintiff) was a Planter residing at Cubit's, who in the year of 1818 became indebted to his suppliers, Messrs. Graham, M^cNicoll & Co. in the sum of *thirteen Pounds*, or thereabouts; for this sum a writ was issued against him by the Surrogate Court of Harbor Grace the then following winter, and his Plantation, which was proved to be worth about *one hundred and fifty pounds*, was attached by the Sheriff. Landergan having no defence to make to the action, did not appear at the return of the writ, and judgment was signed against him by default. Under this judgment a fishing boat belonging to Landergan was taken in execution, which, as well as the plantation, was sold to satisfy the amount of the judgment, and also the amount of another judgment obtained by Messrs. Graham, M^cNicoll & Co. against a man named Hollahan, amounting to about *fourteen Pounds*; but how Landergan's property came to be sold to pay Hollahan's debt was not satisfactorily proved to the Court; indeed, Kelly, who is a Constable, and also a Clerk to Graham, M^cNicoll & Co. stated that Landergan and Hollahan were in partnership, but by the Records of the Harbor-Grace Court it appeared that the judgments were obtained against them separately. The Boat was purchased for *seven Pounds*, and the Plantation for *twenty-eight Pounds*, (which something more than covered the two debts and costs,) by Mr. Donald Graham, a clerk to the firm of Graham, M^cNicoll & Co. and a relation to the principal partner in that house.

It appeared in evidence, that after the sale of the property, Kelly the Constable went to demand possession, at which time the plaintiff was from home, and some words took place between the Constable and his wife. No further steps were taken by the Sheriff or Mr. Graham to obtain possession, till the Defendants held a Surrogate Court at Bearneed on the 5th July last, when a summons was issued by them against

the Plaintiff, requiring him to appear the same day before the Court. Kelly went to serve the summons, accompanied by Mr. Keating, another Constable, and they found Landergan, with others, going with a net to haul oaplin. Mr. Keating served the summons, and Landergan said "*he could not possibly go, that his children were in want of food, and he must get them some fish, and that he was almost naked, and ashamed to go before Gentlemen*"—all which Mr. Keating proved he knew to be true. Kelly observed, that "*if he would not go with them, he should fetch him with a file of marines*;" to which Landergan replied, "*I wish you and the marines a good time of it.*" Kelly returned to the Surrogates, and reported what Landergan had said, upon which they immediately issued a warrant to apprehend him, which Kelly was sent to execute. He went once, when Landergan was from home, and returned again, at ten o'clock at night, and called up Mr. Keating, who accompanied him to Landergan's house—Landergan was in bed, but on hearing Mr. Keating's voice he immediately rose and opened the door, and Mr. Keating declared his errand; Landergan dressed himself as quickly as possible, and he was taken in a boat to Bearneed, and put on board his Majesty's Ship Grasshopper, where he was kept a prisoner during the night. The next morning the Grasshopper removed to Port de Grave, where a Court was opened, before which Landergan was brought, charged with divers contempts of Court, and resisting Constables in the execution of their duty, and particularly with refusing and neglecting to attend the Surrogate Court held at Bearneed, on the preceding day. It is impossible to collect from the records of the Surrogate Court what these contempts were. Kelly, on his examination in this case, proved that the only evidence he gave, and he alone was examined in the Surrogate Court, was that Landergan had refused to attend the Court at Bearneed the day before, and said "*he*"

wished him, witness, and the marines a good time of it."—
The Surrogates then inquired of Landergan if he had used that expression, which he confessed, and they sentenced him to receive thirty-six lashes on his bare back. His demeanour before the Surrogates was proved to be most respectful, and that he appeared very much dejected.

The unfortunate man was then taken to a stake near the house, tied to it by his hands and legs, and the Boat-swain's Mate of the Grasshopper inflicted 14 lashes, when the plaintiff fainted. He was then cut down and carried into the house where the Court was held, and laid on a bench, where he was some minutes very much convulsed. Previous to his being tied to the stake, he declared he was subject to fits, and the Defendants very humanely desired a medical gentleman to attend the execution of the sentence, by whose direction he was cut down.

On the first symptom of returning reason, the unfortunate plaintiff was required by the Surrogates either to give up possession of his property or undergo the remainder of his sentence—he chose the former, and in a very few hours afterwards he, together with his wife and four infant children, were driven from their home, and at the time of this trial, were living in a cave dug in the earth for preserving potatoes, amidst the horrors of a Newfoundland winter, without the possibility of keeping a fire, and the woman in a very advanced state of pregnancy.

The learned Judge summed up the evidence, and charged the Jury nearly as follows:—

"That this case was simply whether the defendants, who were Judges of the Surrogate Courts in the Island, acted within their jurisdiction when they ordered the plaintiff (Landergan) to be flogged. This Court had occasion before to express an opinion that the Surrogates had power to punish for Contempt;

and if a case came before them in which the party was charged with contempt against their authority, *however unfounded such charge might eventually turn out to be*, if they conscientiously believed that Contempt had been committed, they were justified in punishing it. Holding that opinion still, the Court was bound to say that the defendants were entitled to a verdict of acquittal. At the same time it must deprecate a mode of proceeding which disuse had rendered obsolete in England, and which in every view of the present case was particularly harsh and uncalled for. The Court could not believe but that the Defendants must have acted under some very gross misrepresentation of the facts of the cause, or they had grievously mistaken the true object of the powers with which they were invested. It was painful to be called upon to observe upon the acts of Gentlemen, who, from not being versed in the Law, were exposed to error by the situation in which they were placed; but it was impossible not to feel that great injustice had been done in Landergan's case, and it was not the less hard because it was without a remedy by law. Upon the whole, the Court was of opinion that the Surrogates were acting as such, and were within their jurisdiction, however they might have erred in their judgment."

The Jury retired for a considerable time, and returned with the following verdict:—

"The Jury, in finding a Verdict for the Defendants, cannot allow this opportunity to pass without expressing their abhorrence of such an unmerciful and cruel punishment, for so trifling an offence, as that which has been inflicted upon the unfortunate Plaintiff in this action.

"WILLIAM HAYNES, Foreman.

"Jury Room, November 9th, 1820."

COMMERCIAL ROOM, *St. John's,**Newfoundland, 14th November, 1820.*

AT a numerous and respectable Meeting of the Inhabitants of this Town, held this day, in pursuance of public notice, to take into consideration the cases of the unfortunate men, Philip Butler and James Landergan, who were most cruelly punished by the orders of David Buchan, Esq. and the Rev. Mr. Leigh, Surrogates of this Island, on charges of Contempts against the Surrogate Courts, and to adopt such measures as may be deemed necessary—

PATRICK MORRIS, Esq. having been called to the Chair, the following Resolutions were proposed, seconded, and passed unanimously :—

Resolved—That we yield to no body or class of men in any of His Majesty's trans-atlantic Settlements, in loyalty to our King, in obedience, support, and respect to the laws of our country ; and in love and veneration to our glorious Constitution.

Resolved—That as British subjects, claiming protection from the English law and the British Constitution, we have beheld with *abhorrence* and *detestation* the cruel and ignominious punishment inflicted on the bodies of Philip Butler and James Landergan, in July last, in Conception Bay, for the trifling causes elicited in evidence on the late Trials in our Supreme Court.

Resolved—That we shall pursue such legal and constitutional means, as may be within our power, in order to have the *law repealed*, which it appears sanctions such arbitrary proceedings in the Surrogates, and that a Committee be appointed to carry our intentions into effect.

Resolved—That a Subscription be set on foot immediately, to raise a sufficient sum for the purpose of defraying the expences incurred by Butler and Landergan in seeking legal

redress—In providing the means of a winter's support for the unfortunate men and their families, who, it appears, are quite destitute of all kinds of necessary subsistence—and for enabling them to follow up the Appeal to the King in Council.

Resolved—That the Thanks of this Meeting are due, and hereby given, to Messrs. DAWK and LILLY, for the able, independent, and disinterested manner in which they have conducted the cases of Butler and Landergan in the Supreme Court.

Resolved—That the Committee consist of thirteen persons—and that the following Gentlemen be appointed—Viz.

WILLIAM CARSON, M. D.	PATRICK DOYLE,
PATRICK MORRIS,	JOHN RYAN,
JOHN ROCHFORD, M. D.	GEORGE GADEN,
GEORGE NIVEN,	THOMAS BECK,
HENRY SHEA,	THOMAS BURKE,
TIMOTHY HOGAN,	ROBT. R. WAKEHAM,
LEWIS K. RYAN.	

Resolved—That these Resolutions be published in the Saint John's newspapers.

PATRICK MORRIS, *Chairman*.

Mr. Morris having left the Chair, and the same having been taken by Dr. Rochfort—

Resolved—That the Thanks of this Meeting be given to Mr. Morris, for his proper and praiseworthy conduct in the Chair.

JOHN ROCHFORD, *Chairman*.

The Committee agreed upon the following Petition to our most gracious Sovereign.

To the King's Most Excellent Majesty.

THE HUMBLE PETITION OF THE INHABITANTS OF ST. JOHN'S,
IN THE ISLAND OF NEWFOUNDLAND,

SHEWETH—

THAT we, your Majesty's most dutiful and loyal Subjects, humbly beg leave to lay our many and great grievances at the foot of your august Throne, in the full conviction of that paternal solicitude, with which your Majesty watches over the interest and happiness of all your people, even in the remotest parts of your extensive Empire; and we humbly conceive ourselves entitled to your Majesty's peculiar protection, from the circumstance of our having no Colonial Legislative Government. In thus appealing to your Majesty, with a claim to especial consideration, we are naturally reminded that we labour under the want of that representative organ of expression, which is the boast of the British Constitution, and which has been conceded to the least considerable of the other English Colonies, but which, for reasons that have never been explained to us, has been withheld from us alone. We are satisfied that your Majesty will not interpret any expression of regret for the singularity of our situation, into a want of confidence in your Majesty's anxiety for our welfare, or in the wisdom of Parliament. Placed as we are, at the distance of two thousand miles from your Majesty's august throne, and without any constituted body whatever to sympathize in our wants and represent our wishes, it is hardly possible that our petitions or complaints should reach your Royal ear, with that zeal and fidelity in the report, which are at all times necessary to gain attention, and indispensable to obtain adequate relief. As a proof of what we advance, we would only beg leave to recal to your Majesty's recollection, events which, from their magnitude and misfortune, could not have entirely escaped it: we allude to the two

great and destructive Fires, which in the short interval of a fortnight, visited the capital of the Island, and laid one half of its buildings in ashes. The town of St. John's is the principal depository for the supplies and productions of the Fisheries of Newfoundland, and it was necessary to rebuild it immediately. But as prudence suggested the propriety of widening the streets, in order to prevent the spreading of any future fire, and as a large portion of the ground required was the private property of individuals, it became necessary to obtain the sanction of the Legislature. At the recommendation of the Inhabitants, a Bill was prepared in Newfoundland, and sent to England, for the purpose of being submitted to your Majesty's Government and passed into law; but such was the delay attending the measure in England, that although no alteration of any moment was made in the Bill, it did not reach this Island in the form of a Law, until near three years after the town of St. John's had been destroyed. In the mean time a third fire had visited and consumed the remainder of the old town; and the whole was re-built in the best manner that circumstances would admit, but not exactly conformable to the projected Bill, as there was no legal means of compelling its observance. When therefore the long-expected Bill did arrive, it came with all the inconvenience of an ex post facto law, and placed a considerable number of the most costly and valuable buildings in the Town in the predicament of standing contrary to the Act of Parliament. We have stated this fact not with any feeling of discontent, but merely to prove to your Majesty the neglected condition to which we are exposed, from having no superintending Legislature in the Island.

But, may it please your Majesty, it is not the want of a local Legislature of which we have principally to complain: it is the state of such laws as have been made for us, and still more of the Administration of the laws. It is the happiness

of all who bear the honorable title of British subjects, to unite in one common feeling of loyalty and affection for the pure and impartial manner in which justice is administered to them. It is in this particular that we stand alone and distinguished from every other portion of your Majesty's people. - In the neighbouring colonies in North America, and in all the British West Indies, the judgment seat is filled by gentlemen of professional education and previous distinction at the bar. In the British possessions in the East, the persons who preside in the Courts are selected from the upright and cultivated ranks of Westminster Hall, and are only second to the Judges in England; but in Newfoundland, composed as it is of natives of Great Britain and Ireland, or their immediate descendants, and more closely connected with the parent state by proximity of situation, and frequency of intercourse than any other colony, the administration of justice is confided to the hands of Captains, Lieutenants, and even Masters of the Navy. The Act of Parliament for establishing Courts of Judicature in Newfoundland, authorizes the Governor for the time being to institute Surrogate Courts in different parts of the Island, with full power to hear all suits and complaints of a civil nature arising within the Island, and to determine them according to the law of England. In exercise of this important power the Commanders of such of your Majesty's ships as happen to be stationed at Newfoundland, are invested with Surrogate commissions immediately on their arrival, and sent on maritime circuits to expound the laws of England, in the character of Judges. We humbly represent to your Majesty, that it is hardly possible for an officer in your Majesty's Navy, if he has been attentive to his own profession, to acquire so competent a knowledge of the abstruse and difficult science of the law, as to enable him to dispense justice among his fellow men; and that he can barely take the Judge's oath of office, with a

correct sense of its seriousness and importance. We beg to be understood to speak with every sentiment of respect for the Navy, as a profession—We feel a pride in the gallantry of its Heroes, and gratitude for the security they afford us; but we cannot but know, that the Gentlemen of the Navy are educated from their youth in a system of their own, apart from all the civil institutions of the country, and necessarily less conversant with those institutions than any other class of your Majesty's subjects. We speak from experience, and we hope without offence, when we state, that they are the last to preside in civil Courts of Law. Yet to such men is the dispensation of Justice intrusted in Newfoundland, and Justice according to the Law of England.

We are unwilling to trespass unnecessarily on your Majesty's valuable time; but that we may not be supposed to advance what we are not prepared to prove, we will beg your Majesty's patience, while we state a few examples which we have selected, merely as being more easy of access to your Majesty. In the year 1816, Messrs. Crawford and Company, a mercantile firm in this Island, were declared insolvent in the Surrogate Court of St. John's, and their Estates vested in Trustees, and sold for the purpose of distribution between their Creditors, amongst whom were claimants from Scotland to the amount of one hundred and eleven thousand pounds. The Surrogates rejected the Scotch claims, and the case went to the King in Council, upon a nice point of conflicting bankrupt law. At the hearing, however, it was found that the Surrogates had forgotten the first essential step of citing and examining the insolvents, before they proceeded to a declaration of their insolvency, and consequently, all their proceedings were null and void from the beginning. In the mean time the Insolvents had left the country, and the proceeds of their Estate had been sent to Scotland, where they were attached by

the Court of Sessions ; and the Newfoundland claimants, having no longer any control over the persons or the property of the Insolvents, were compelled by a palpable mistake of their Judges, either to compromise their rights, or to re-engage in endless litigation.

In the course of the last summer, certain differences had arisen at Sandwich Bay, on the coast of Labrador, respecting the rights of the parties to a Salmon Fishery, and a Surrogate Court was held there for the purpose of deciding them. But instead of hearing the proofs of the case, and determining according to law, the Surrogate decided without a trial, or any enquiry into its merits, and thus was the unfortunate party ruined without redress, because the Surrogate, acting as a Judge, is not responsible by law for his errors.

Your Majesty is informed that a duty of sixpence per month is laid by Act of Parliament upon the wages of Seamen and other persons employed in ships and vessels, for the support of Greenwich Hospital ; and that all persons employed in open boats on the sea coasts are exempted from the payment of the duty, probably as being generally poor themselves, and not falling within the benefit of the charity, or the policy of the tax. By a strange construction of the Act, all open boats, however small their dimensions, have been subjected to the duty in this Island, although it is well known that it is not levied upon open Boats in any other place in your Majesty's dominions. But the reason of this extraordinary construction may perhaps be explained, by the fact that the Surrogates, who so construed the law, were the collectors of the duty, and as a compensation for their trouble, received a premium of twelve and a half per cent. upon all the monies which they collected.

But it is not of the ignorant or wilful misconstruction of the Law, as it may affect our properties, of which we complain

to your Majesty, so much as it is of the flagrant and unlawful violations of our persons.

We humbly beg to be permitted to lay before your Majesty two cases which occurred in the present year, exactly as they were developed in the Supreme Court of the Island; and in order to save your Majesty trouble, we will briefly state the outline of one of them. James Landergan, a native of this Island, and a respectable Planter at Cubitt's, in the district of Conception Bay, happened in the fishing season of 1818 to fall in debt for supplies, to the inconsiderable amount of *twelve pounds*. It is not usual with the suppliers for the fisheries in this island to distress the Planters who may chance to be in arrears to them at the fall of the year, and more especially when they are possessed of fishing rooms as a security for the debt. But the sum due from Landergan to his suppliers was immediately put in suit in the Surrogate Court at Harbor Grace, and Judgment passed against him by default. Shortly after which, his fishing room was sold, and the Clerk of his suppliers became the purchaser for the amount of the debt. He had personal property at the time, fully equal to satisfy the Judgment, and his room was estimated at *one hundred and fifty pounds* in value. When the Sheriff's officer went to deliver possession of the room, Landergan was absent; and some uncourteous language passed between his wife and the officer, which was interpreted into a resistance of his authority, and made the subject of complaint to the Court. Accordingly, when Captain Buchan, of your Majesty's Brig Grasshopper, and the Reverend John Leigh, the Episcopal Missionary at Harbor Grace, held a Surrogate Court at Port de Grave, Landergan was summoned to appear before them, and being found in the act of hauling a little fish for the present use of his family, he apologized for not being in a situation just then to attend the Court, and said he would do so the following morn-

ing; on being told by the officer that a party of marines would be sent to bring him, he simply replied, "I wish you and the marines a good time of it." The officer reported what had passed to the Court, and for this offence, if offence it can be called, the unhappy man was seized in his bed at night, and conveyed on board the Grasshopper, where he was confined until the following morning; he was then brought before the Court—the Sheriff's Officer went through the ceremony of deposing to the facts before related, and Landergan was adjudged to be guilty of a high contempt of Court, and sentenced to receive thirty-six lashes on his bare back. This infamous sentence was immediately carried into execution by the Boatswain's Mate of the Grasshopper, and Landergan was tied up and flogged until he fainted under the severity of his punishment.—He was then taken down and removed to the Court-House, where, at the first symptom of returning life, he was required to yield up the possession of his room, as the condition upon which the remainder of his punishment should be remitted; and in a few hours after, the unfortunate man, together with his wife and four infant children, became outcasts upon the world. Such is the manner in which the Surrogates hold plea of civil suits in Newfoundland; and it cannot be matter of surprise to your Majesty, accustomed as your Majesty is to observe justice administered in the form of a blessing to your People, to learn that the naval circuits are looked upon rather as the angry visitations of offended power, than as the dispensations of the mild and beneficent precepts of British Law.

An opinion has gone abroad, and is not without its abettors in this Island, that Newfoundland is regarded by the parent country merely as a Nursery of Seamen; and with this view, that it is the policy of Government to discourage all settlement in the Island. Supposing this to be the case, it may be sufficient to explain how it has happened that this Island, the

oldest of the British settlements in America, placed in the same latitude as England, and possessed of a great staple which is peculiarly its own, should remain in the same state as when it was originally discovered—without cultivation, and without roads—the first requisite of civilized Society. But we humbly conceive that such is not the policy of Great Britain.—Before the statute of King William the third, a number of persons were settled in Newfoundland, and it was one of the professed objects of that Statute to regulate the respective rights of the transient and sedentary fisheries. In the treaties between your Majesty and foreign powers, the right of settling those parts of the Island where strangers are permitted to fish, is expressly reserved to your Majesty's subjects; and this right of settlement is the only check upon foreign competition in the fisheries. It is well known that Newfoundland contains about one hundred thousand inhabitants; that its exports have in prosperous years exceeded two millions sterling per annum, and its imports, chiefly consisting of British manufactures and productions, have been more than half that amount; its trade is entirely carried on in British shipping, and employs more seamen in navigation, than were ever employed in fishing during the best years of the transient fishery—upwards of four hundred and sixty foreign vessels having entered the port of St. John's alone during the present year. We must therefore look to other causes for our neglected condition, than the intentional policy of the parent state; and we are induced to believe that it has been owing solely to the exigencies of the late war, and the more pressing demands of the empire upon the attention of your Majesty's government. But we humbly hope that the time is at length arrived when the state of this Island will be taken into consideration, and some system adopted which may be more in unison with the altered condition of these extensive, populous, and valuable possessions of your Majesty's Crown,

Your Petitioners therefore most humbly pray your Majesty will take their case into your most gracious consideration, and endow Newfoundland with all the rights and privileges of your Majesty's other transatlantic possessions, and especially to cause the Courts of Justice to be reformed, so that the laws may be administered to them by competent Judges.

And your Majesty's Petitioners, as in duty bound, will ever pray, &c. &c.

§ To this Petition there were between 200 and 300 signatures of Inhabitants of St. John's. The Petitions to the House of Lords and House of Commons varied only in the necessary form of address.

COMMITTEE ROOM,

St. John's, December 14, 1820.

PATRICK MORRIS, Esq. in the Chair—

Resolved unanimously—That as the objects of the Petitions of the Inhabitants of St. John's to his Majesty and the two Houses of Parliament, are to improve the Government, and reform the administration of Justice in this Colony, we deem it highly proper that a copy of the Petition to his most gracious Majesty, which only varies in the necessary mode of address from those to the two Houses of Parliament, be presented to his Excellency the Governor, and his Honor the Chief Justice.

Resolved unanimously—That as soon as the signatures to the Petition to his Majesty are complete, that a respectful and dutiful Memorial be presented to His Excellency the Governor, praying him to forward the Petition of the Inhabitants of St. John's to the Right Honorable the Secretary of State for the Colonies, in order that the same may be presented through that regular and constitutional channel

to his Majesty, and that his Exoellency will be pleased to give the Petition the essential advantage of his countenance and valuable influence.

Resolved unanimously—That a Mémorial be presented to his Honor the Chief Justice, praying that he will confer on the object of our Petition all the assistance of his great legal and constitutional knowledge, and recommend the object of our prayer to his Majesty's Government.

Resolved unanimously—That the Chairman communicate these Resolutions to His Excellency Sir CHARLES HAMILTON, Governor, and to his Honor FRANCIS FORBES, Chief Justice.

PATRICK MORRIS, *Chairman.*



In consequence of the foregoing Resolutions, the following Letter was addressed by the Chairman to his Excellency the Governor, enclosing the Memorial:—

Saint John's, 4th January, 1821.

SIR,

I have the honour to transmit to your Exoellency certain Resolutions, passed at a Meeting of the Committee appointed by a Town's Meeting held on the 14th November last, with a copy of a Petition to his Majesty, and a Memorial to your Excellency, in conformity with the Resolutions passed at that Meeting.

I have the honour to remain,

Your Excellency's

Most obedient, humble servant,

PATRICK MORRIS, *Chairman.*

To His Excellency Sir CHARLES HAMILTON, Bart.

Governor and Commander in Chief

in and over the Island of Newfoundland, &c. &c.

The Memorial.

To His Excellency Sir CHARLES HAMILTON, Bart.
Governor and Commander in Chief, in and
over the Island of Newfoundland, &c. &c.

WE, the undersigned inhabitants of the town of Saint John, in the Island of Newfoundland, beg leave to approach your Excellency with sentiments of the most profound and unfeigned respect, and to assure your Excellency of the high sense we entertain of the benevolent disposition you have manifested for the happiness and welfare of the people of this Island during your residence amongst them, which we presume to say has given to your Excellency a much greater opportunity of knowing the true state of this Island, than could be obtained by any of your Excellency's predecessors. It must no doubt have fallen under your Excellency's observation, that the people of this country do not enjoy that most valuable and precious right of British subjects, namely, of having the laws dispensed to them by able and enlightened Judges, agreeable to the practice in all the other of his Majesty's transatlantic settlements.

From your Excellency's knowledge of the importance of this Island to the parent state, the vast extent of its trade, its great and increasing population, we presume to conclude, that your Excellency will admit the existing laws are defective, and by no means calculated for the improvement of the country, or the happiness of the people, and that the time is at length arrived for them to crave, in an humble and dutiful manner, (through your Excellency) for a system more suitable to the improving and altered condition of the country. Fully impressed with the hope that our representations will meet with due attention, we have taken the liberty of petitioning our most gracious Sovereign, which petition we beg in the most humble and dutiful manner to hand to your Excellency, for the

purpose of having it transmitted to his Majesty; and we further beg, that your Exoellency will be pleased to give it all the advantage of your valuable countenance and support.

And your Memorialists, as in duty bound, shall ever pray.

[Signed by a number of the Inhabitants.]

To which his Excellency was graciously pleased to return the following answer :—

Government House, 8th January, 1821.

SIR,

I have the honor to acknowledge the receipt of your Letter of the 4th instant, enolosing the Resolutions of a Committee of the Inhabitants of St. John's, with a Memorial requesting me to forward to the Secretary of State for the Colonies a Petition, to be by him presented to His Majesty, and of which you have also enolosed a copy.

In reply, Sir, I beg to communicate, through you, that I shall always be ready to forward any Petition from this community, respectfully expressed, and respectably signed, however much I may differ with, I believe, many others, from statements so highly coloured—the conclusions drawn from them—or the beneficial results which the Petitioners appear to expect (should his Majesty comply with their wishes) either to the inhabitants of the Colony generally, or the Commercial interest, on whose capital and exertions the prosperity of the Island so completely depends. But if such measures could be beneficially adopted for the whole, I will not hesitate to say, that it could not be more acceptable to any persons than to the Governor and the Naval Surrogates, who would thereby become relieved from many duties which must be unpopular in their execution, and therefore onorous to those whom his Majesty has been pleased to place here, and who can have no other wish but to discharge their duty with as much of the approbation of their So-

vereign and fellow subjects, as it may be in their power to obtain.

With these sentiments,

I have the honour to remain,

Sir,

Your most obedient servant,

C. HAMILTON,

Governor.

To PATRICK MORRIS, Esq. Chairman of
the Committee of the Inhabitants of
Saint John's.

The following Letter was also addressed by the Chairman
to his Honour the Chief Justice:—

Saint John's, 4th January, 1821.

SIR,

I have the honour to transmit you herewith certain Resolutions passed at a Meeting of the Committee appointed by a town's Meeting held on the 14th November last, with a copy of a Petition to His Majesty, and a memorial to your Honour, in conformity with the Resolutions passed at that Meeting.

I have the honour to remain,

Sir,

Your most obedient, humble serv't.

PATRICK MORRIS, *Chairman.*

To His Honour FRANCIS FORBES,
Chief Justice, &c. &c.

To the Honorable FRANCIS FORBES, Chief Justice of the Island
of Newfoundland.

*The Memorial of the undersigned Inhabitants of Saint
John's,*

HUMBLY SHEWETH—

That your Memorialists, in common with the other

Inhabitants of the Island, feel with sentiments of melancholy regret, that they have not been hitherto judged by the parent government entitled to those rights and privileges, which, they humbly conceive, naturally belong to all his Majesty's Subjects; and that the seats of justice in the Surrogate Courts of this Island, are filled by men, whose education and habits of life render them but ill calculated to expound the intricacies of the English Laws, and to administer justice.

That during the long period which your Honour has presided in the Supreme Court of this Island, the many instances in which the proceedings and decisions of the Surrogates, have been reviewed and reversed by that tribunal, must have proved to your Honour, that as respects the administration of justice *our grievances are great and call loudly for redress.*

That your Honour must also have observed that the laws peculiarly framed for this Island are inadequate to the purposes for which they were intended, and instead of being beneficial to its interests are ruinous to its prosperity.

That the late Trials of Butler and Landergan against Buchan and Leigh, and of Long and Jennings against Beard, demonstrate that the Inhabitants of this Country are subject to torture and ruin, as the ignorance or caprice of the Surrogates may dictate.

That your Memorialists can only hope for an amelioration of their present unhappy state, from a local legislation and a reform in the administration of justice in the Surrogate Courts.

That your Memorialists have prepared Petitions to his most gracious Majesty, and to both Houses of Parliament, in the hopes of obtaining those important objects.

That the lively interest your Honour has taken in the welfare and happiness of this country, and the love of justice and of mercy so manifest in all your decisions, induce your Memo-

rialists to hope those Petitions will have your valuable countenance and support, and your Memorialists therefore beg leave to lay before you a copy of the Petition to our most gracious Sovereign, to which the Petitions to both Houses of Parliament are similar.

Your Memorialists therefore most earnestly and respectfully entreat your Honour will afford them the aid of your wisdom, your influence and exertions; they will then look with confidence to the period when they will enjoy the blessings of the English Laws and Constitution—when they will be risen from their present neglected and degraded state, to a level with the other subjects of our beloved Sovereign.

[Signed by a number of Inhabitants.]



To the foregoing letter and memorial His Honour the Chief Justice was pleased to return the following answer:—

Saint John's, 11th January, 1821.

SIR,

I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing certain Resolutions passed at a Meeting of the Committee appointed by a town's-meeting held on the 14th November last, with a copy of a Petition to His Majesty, and also of a Memorial intended to be presented to me; and I must beg you will state to the Committee, that my official situation does not lead me to communicate with his Majesty's Government, any further than in cases immediately connected with the administration of justice in Newfoundland.—Should his Majesty be graciously pleased to entertain the Petition, and command my advice or assistance, it will afford me

the highest satisfaction to be useful in any measure which may have for its object the improvement of the laws and judicial system of the Island.

I have the honour to be, Sir,

Your most ob't. serv't.

FRANCIS FORBES,

C. J. Newfoundland.

TO PATRICK MORRIS, Esq.

Chairman of the Committee, &c. &c.

The following Editorial Notice relative to the presentation of the Memorials, appeared in the Sentinel of the 3d February:—

“At 1 o’Clock this day a Deputation from the Committee* waited on his Excellency the Governor, agreeably to appointment, for the purpose of presenting him with the Petition to his Majesty, for transmission through the proper official channel.

“Mr. MORRIS, the Chairman, in addressing his Excellency, expressed a hope that the Petition would have his fullest support, as far as he should consider it for the general benefit of the country; and added, that if the Committee or the Petitioners felt any reluctance in proceeding in this important matter, it arose solely from an apprehension lest their motives might possibly be misconstrued into a dissatisfaction with or opposition to the mild and exemplary government of his Excellency; that though a difference of opinion might exist on other points, the Committee were fully assured but one sentiment prevailed of the good and benevolent wishes of his Excellency for the improvement of this country, and for the welfare and happiness of its inhabitants.

“The Deputation were very politely received, and his Ex-

* The Deputation was composed of Mr. MORRIS, Dr. CARSON, Mr. DOYLE, Mr. HOGAN, Mr. BECK, and Mr. L. K. RYAN.

cellency in reply, stated, that he should certainly take the earliest opportunity of forwarding the petition to Earl Bathurst, through whom it would be laid at the foot of the throne; and his Excellency was pleased to observe, that although he might not be able to agree wholly with the Petition, he had long seen the necessity of some change, and that he had made it his endeavour during his residence here to ascertain what change would be most beneficial for the interests of the Island; nor should he fail to make known to his Majesty's government the view he had taken of the subject, and he would recommend such alterations as the present state of the country appeared to him to require.

"The Deputation then waited on his Honour the Chief Justice, of the Court House, and presented him the Memorial from the Inhabitants; to which he replied in a speech of some length, in the course of which he stated, that his situation did not authorize him to correspond with his Majesty's Government on the subject, but should he be called upon for his opinion, he should give the object of the Petition his fullest consideration."

The Committee considering it would tend greatly to promote their objects, if the Petitions were delivered to the Members they wished to present them to the two Houses of Parliament, by a person who felt interested in their success, and who was able to explain the views and wishes of the Petitioners, resolved on sending Mr. Dawe to England, who sailed early in February, and immediately on his arrival in London addressed a Letter to Earl Bathurst, the Secretary of State for Colonies, informing him of the object of his visit. The following is an extract of the answer which he received from Mr. Goulburn, the Under Secretary of State:

"I am directed to acquaint you that Lord Bathurst a

"short time since received from the Governor of Newfound-
 "land the Petition to His Majesty, to which your letter refers,
 "and that having taken the King's pleasure thereupon, he
 "duly signified to the Governor his Majesty's commands.—
 "But that although instructions have been given to guard
 "against the recurrence of those proceedings of the Surrogate
 "Courts, which appeared justly liable to objection, yet that if
 "you consider that you have any further cause of complaint,
 "his Lordship will be ready to receive from you any commu-
 "nication by which you may think it advisable to bring them
 "before him, to inquire into the justice of the complaints, and
 "if just to adopt proper means of redress."

A few days after the receipt of the above letter, Mr.
 Dawe was honoured with an audience of Mr. Goulburn, when
 Mr. Dawe requested him to lay the Petitions before Parlia-
 ment, through such Members as he or Lord Bathurst might
 think proper to select. This Mr. Goulburn declined, but at
 the same time assured him that Lord Bathurst well knew
 that the laws and government of Newfoundland required con-
 siderable alterations and amendments; and that if he would
 suggest any measures calculated to effectuate those objects, they
 should receive every consideration.

Mr. Dawe therefore felt it his duty, in conformity with his
 instructions from the Committee, to deliver the Petition to
 the House of Lords to Lord Holland, and to the House of
 Commons to Sir James Mackintosh, who very readily undertook
 to present, and most ably and zealously supported them.

The following are copies of the Letters addressed by the
 Committee to these illustrious patriots:—

To the Right Honourable Lord HOLLAND, &c. &c.

MY LORD,

The Committee elected at a Town's Meeting of the

Inhabitants of St. John's, in the Island of Newfoundland, held on the 14th November last, have the honour to lay before your Lordship a Petition, addressed by their constituents to the Parliament of Great Britain; and they have to request that your Lordship would be pleased to present the same to the House of Peers, and give it the benefit of your Lordship's high sanction and support.

The Committee trust that the Petition itself will sufficiently explain to your Lordship the reasons which have induced the Inhabitants of this remote and neglected portion of the British dominions, to intrude themselves upon the attention of Parliament. And in selecting a name under whose auspices they might flatter themselves with the best hope of obtaining consideration and relief, it was natural they should turn to the noble relative of the illustrious Charles James Fox.

The Committee beg leave also to acquaint your Lordship, that they have transmitted the Petition intended to be laid before the House of Commons to Sir James Mackintosh; and they have directed their Solicitor, Mr. William Dawe, of this place, to receive your Lordship's commands, and to communicate any further particulars of which your Lordship may desire to be informed.

(Signed by the Committee.)

To SIR JAMES MACKINTOSH, &c. &c.

SIR,

The Committee elected at a Town's Meeting of the Inhabitants of St. John's, in the Island of Newfoundland, held on the 14th November last, have the honour to lay before you a Petition, addressed by their Constituents to the Parliament of Great Britain; and they have to request that you would be pleased to present the same to the House of Commons, and give it the benefit of your high sanction and support.

The Committee trust that the Petition itself will sufficiently explain to you, Sir, the reasons which have induced the Inhabitants of this remote and neglected portion of the British dominions, to intrude themselves upon the attention of Parliament. In seeking for an amendment of their laws, they could not but call to mind the philanthropic Lawyer who transplanted the impartial spirit of English justice into the soil of India; and whose eloquence, if they could be so fortunate as to engage it in their cause, could not fail to awaken the sympathy of their fellow subjects in the parent country, and produce for them the benefit of those laws, which are declared to be the birth-right of every British subject, and whose excellence mainly consists in the manner of their administration.

The Committee, Sir, beg leave further to acquaint you, that they have transmitted the Petition intended to be laid before the House of Peers to Lord Holland; and they have directed their Solicitor, Mr. William Dawe, of this place, to receive your commands, and to communicate any further particulars of which you may desire to be informed.

[Signed by, the Committee.]

On the 17th May the Chairman of the Committee received from His Excellency the Governor the following letter, communicating His Majesty's reply to the Petition:—

Fort Townshend, Saint John's,
Newfoundland, 17th May, 1821.

SIR,

The Secretary of State for the Colonial Department having laid before the King the Petition of certain Inhabitants of the town of St. John's, presented to me on the 3d February last, by a Committee, of which you were Chairman, I have received a communication from His Lordship in reply, of which the following is a copy:—

"His Majesty will always be disposed to consider the
 "propositions which may be submitted to him by any portion
 "of his subjects for the improvement of the Laws or the ame-
 "lioration of the system of Government to which they are sub-
 "jected. It will be satisfactory to the Memorialists to know
 "that his Majesty has under consideration how far the altered
 "state of Newfoundland requires some alteration of the exist-
 "ing Laws with respect to it; but in communicating to you
 "this information, His Majesty feels himself compelled to dis-
 "courage all expectation of his sanction being given to the es-
 "tablishment of an independent Legislature—for neither do
 "the particular evils of which the Memorialists complain,
 "(even admitting them to be correctly stated,) appear to arise
 "from the absence of a Legislature, nor does the representa-
 "tion given by the Memorialists of the state of the Colony
 "give any reason to suppose that they could conveniently take
 "upon themselves the charge now borne by Great Britain, and
 "which would, in the event of the establishment of a Legisla-
 "ture, necessarily fall upon the Inhabitants of the Island."

I am, Sir,

Your most obedient Servant,

C. HAMILTON, *Governor.*

To Mr. PATRICK MORRIS.

The following is a report of the Proceedings which took place in the two Houses of Parliament, on the presentation of the Petitions, as copied from the London papers:—

HOUSE OF LORDS, LONDON, MAY 1.

State of Newfoundland.

Lord Holland presented a Petition, which, he said, was signed by two hundred respectable inhabitants of the Town of St. John, Newfoundland, complaining of the imperfect and injurious manner in which justice was administered in that Colony, where Naval Captains generally exercised judicial power. The Petitioners also complained of not having a local Legislature, and prayed for relief. His Lordship then presented a similar Petition from the District of Ferryland; but he afterwards withdrew this Petition on account of informality.

The first Petition being read and laid on the Table—

The Earl of Darnley rose to express his surprise that the Noble Lord opposite suffered a question of so much importance to pass away without any explanation or remark.

The Earl of Liverpool replied, that his Noble Friend, (Earl Bathurst,) whose department it was to consider subjects of this kind, was absent, and that he himself, being ignorant of the facts stated in the Petition, could not give any explanation at that moment.

Lord Holland said the Noble Earl had been apprised of this Petition, and that it was his duty to be in his place.—The subject was one of great importance, and ought to be seriously attended to.

After a few words in reply from the Earl of Liverpool, the House adjourned.

HOUSE OF LORDS,

MAY 10.

The Earl of Darnley wished, before the order of the day was read, to say a few words on the subject of the Petition which had been presented a few nights since by a Noble Friend of his (Lord Holland*) from the Inhabitants of Newfoundland. Upon that occasion he (Lord Darnley) expressed his surprise that the Noble Earl at the head of his Majesty's Government did not give some assurance that the grievances complained of in the Petition should be inquired into. The Noble Earl, in reply, stated, that as the Noble Lord at the head of the Colonial Department was not present, he could say nothing on the subject. As that Noble Lord was now in the House, he (Lord Darnley) took this opportunity of calling his attention to the Petition, which contained statements of the most atrocious acts of injustice and oppression, for which it appeared no redress could be obtained from the tribunals of the Colony.

Earl Bathurst proceeded, in a very low tone of voice, to reply to the observations of the Noble Earl. We understood his Lordship to say, that a Petition nearly word for word the same as that presented to their Lordships, had been submitted to His Majesty about two months ago, and was now under consideration in the proper quarter. Alluding to the complaint of the improper infliction of corporal punishment contained in the Petition, his Lordship stated that an order had been transmitted to Newfoundland about two months ago, for the abolition of that description of punishment. The Noble Earl, then, as we understood him, proceeded to say, that arrangements had been made for the better regulation of the Colony. It used to

* His Lordship had left England for the Continent the day after he presented the Petition to the House.

be the practice of the Governor to go to Newfoundland at the beginning of May or June, and to return to England shortly afterwards ; but now that officer remained at the Colony during the whole of the year.

Earl Darnley observed, that it appeared the aggrieved persons had no remedy at law.

Earl Bathurst said, there was a remedy at law if the instructions sent out were properly executed.

HOUSE OF COMMONS, MAY 28.

Sir J. Mackintosh said he rose to present a Petition from the inhabitants of St. John's, Newfoundland, of an important nature. He was satisfied that the British Legislature would be disposed to listen to the complaints from any colony, however unimportant. The colony of Newfoundland was not one of those—it was a colony of great extent and importance, with a population of upwards of 100,000 persons. The Petition which he held in his hand complained of the manner in which justice was administered in certain courts, and of the severe and extraordinary mode of punishment resorted to by those courts in cases of contempt. The petitioners prayed for the redress of this abuse, and also for the establishment of a local legislature in the Island. The Courts in question were called Surrogate Courts ; the Judges were principally composed of officers of the Navy. Punishment for contempt was, he admitted, resorted to by courts of justice in England, but he believed the use of the lash in such cases was altogether unknown in this country ; it was, however, the ordinary mode of punishment adopted in Newfoundland. In order to put before the House the manner in which that distant, defenceless, and unrepresented island was treated by those Surrogate

Courts, he would state one instance—a man of the name of Landergan, who was both ignorant and poor, was, through his want of acquaintance with the forms of judicial proceedings, adjudged guilty of contempt in not attending to a summons; for that contempt he was sentenced to receive 36 lashes—14 lashes were inflicted, when the unhappy man fainted; a surgeon who was in attendance, gave his opinion that it would be dangerous to proceed further with the punishment. The man brought his action against the Judges in the Supreme Civil Court of Newfoundland, and the Chief Justice of that Court declared, that, however reprehensible the conduct of the Judges was, the Court in point of law could not interfere—could not bring punishment on the Judges of another tribunal for any decision of theirs. The hon. and learned gentlemen then proceeded to say, that that was not a solitary case; he was in possession of many other cases equally oppressive, which had occurred within the last few years. There were ten of these courts; eight of them were floating courts, and the parties were there tried, not according to the common law of England, but to the maritime laws which still prevailed with respect to ships. He meant to speak with every respect of naval officers, but he must say, he would no more be tried by a naval officer for an offence, than a naval officer, he was sure, would like to sail under his command. The system of the government in that colony, before 1791, was one of anarchy and the most despotic nature, it was one which forbade the cultivation of the soil, and afforded no protection to the colonists. The inhabitants of Newfoundland made no complaint of the Supreme Court, and added their belief, that the appointment of two Judges properly qualified would afford them the most material service. A local legislature should be afforded to the colony: its wealth, its population, its importance to the mother country, could not be doubted, and loudly called for it. The ancient

policy of England with regard to her colonies should be adopted in that country; however colonies composed of convicts, or of slaves, might not have the claim of calling for a public assembly. These people had no one to protect them but the House of Commons, and he implored them to give these petitions their most serious consideration. If his Majesty's government did not shortly take up this subject, he gave them notice he should bring it forward at a very early period of the next session.

Sir J. Newport bore his testimony to the high character of many of the inhabitants of Newfoundland who had returned to England and Ireland, and of whom he could say, that more than one of them with whom he had the pleasure of being acquainted, would be fully competent to occupy a respectable situation in the House of Commons. The system of government which had long prevailed in that country should be altered, if the government sought to make her available to the purposes of England.

Sir I. Coffin gave his testimony to the defective system of the Surrogate Courts. He had himself been a Surrogate.—The mode of proceeding was, whenever the Surrogate or Admiral went on shore at any of the settlements, he took a boatswain's mate with him, and when any of the persons engaged in the fishery was brought before him for any offence, he ordered him a dozen lashes, and then sent him back again on board his fishing boat. That was the law in his time.

An hon. member, whose name we did not hear, said, that while he deprecated the system of law prevalent in Newfoundland, contended that the respectable inhabitants of that colony were not at all desirous of having a local government in the shape of a Parliament.

— Mr. Goulburn said, that with respect to the appointment of a local legislature, that was a question of great delicacy; in

some cases local assemblies were found highly beneficial to the countries where they were established; in others they were found pregnant with evils. With respect to the other part of the Pétition, he admitted that the mode of administering justice in the colony was a mode that should not exist; it could only be endured where the House was made satisfied that it would be impossible to preclude it; and here he begged to say, that when the government at home was made acquainted with the infliction of the severe punishment complained of, an immediate order was issued to prevent its recurrence. The causes of complaint were almost always between the merchants and the fishermen, the only two classes in fact in the colony. The government, finding it impossible to select justices of the peace likely to act impartially, were obliged to appoint naval officers, who were men of honour and understanding. He did not defend severe punishment in cases of contempt, but he contended that justice was generally administered in the colonies with impartiality, and with satisfaction to the parties. In the instance complained of, he begged to add that the court was not composed of naval officers alone, but that they were assisted upon that occasion by the Missionary sent out to that place from this country. He did not, however, mean to say, *that the sanctity of that person's character could justify the severity of the decision.*

Dr. Lushington said, that the punishment by the cat-o'-nine-tails, in cases of mere contempt of court, was not known in this country for several centuries; and wherever it was practised, it deserved to meet with reprobation and contempt. No man could hear, without indignation, of the disgraceful fact *(even though it might have been sanctioned by a clergyman)*, that 36 lashes should have been adjudged to a party in a civil suit for not having attended a summons at the appointed time: every man of understanding and of humanity must join him in

condemning so odious an act. The Chief Justice of the Supreme Court was met only by the question of law; with respect to the act itself, he described it as particularly harsh and uncalled for. However the law might stand, there could be but one opinion in every feeling mind, that the act was in violation of humanity and justice. It was no small aggravation of a case, sufficiently revolting, that the unhappy man, though the surgeon had declared that it would be dangerous to continue with the whipping, had yet the remainder of the lashes remitted, upon condition of giving up the question at issue. To shew in what manner justice was administered in the colony, he would state one case, which came under his own observation, in which *the father was Judge, the son the Plaintiff, and the brother the Registrar of the Court—(Hear)*. It was much to be lamented that those complaints should always issue from his side of the House; that Governors of colonies seldom or never felt it their duty to represent acts of oppression to the government at home, but that abuses were allowed to go on until they became intolerable, and met at length with exposure and reprobation in that house.

Mr. Goulburn and Dr. Lushington mutually explained.

Mr. W. Smith said, he hoped that the complaints of the petitioners would receive every attention. How defenceless and unhappy was the case of the poor settler! In courts of justice, which should be his protection, he experienced nothing but harsh and unconstitutional treatment. He appeals to another court—there he finds some sympathy, but can receive no redress, and is at length driven to petition the British Parliament. As the petitioners found their way into that House, he hoped that there they would find redress and protection.

Sir J. Mackintosh presented another Petition to the same effect from the district of Ferryland, in the Island of Newfoundland.—They were ordered to be printed.

The Committee resolved to lay their proceedings before a Town's Meeting, and with the view of procuring a full attendance, they caused the following Advertisement to be inserted in the *Royal Gazette*, *Mercantile Journal*, *Newfoundland Sentinel*, and *Public Ledger*, being all the Newspapers published in St. John's—and likewise ordered Notices to the same effect to be posted in the most public parts of the town.

PUBLIC MEETING.

THE Committee appointed at a Meeting held on the 14th November last, request a General MEETING of the Inhabitants of the Town of *St. John*, at the

Commercial Room,

ON

FRIDAY THE TENTH INSTANT,

At 11 o'Clock precisely,

For the purpose of receiving the report of their proceedings, and of adopting such measures as under existing circumstances may appear necessary.

By Order,

ROBERT R. WAKEHAM,

Secretary.

St. John's, Newfoundland, 2d August, 1821.

In pursuance of the above Advertisement a numerous and respectable body of the inhabitants assembled, when **PATRICK MORRIS, Esq.** being unanimously called to the Chair, he addressed the Meeting to the following effect:—

GENTLEMEN,—The object of this Meeting is to take into consideration the proceedings of the Committee appointed at a meeting of the Inhabitants of this town, held on the 14th No-

vember last ; and to adopt such further measures as under existing circumstances may appear necessary.

It is, Gentlemen, matter for congratulation, when we compare our present situation with what it was on a late occasion, when that odious tyranny which this ill-fated country had so long suffered under, was revived with all its terrors—when the inhabitants of this land appeared to be shut out from the pale of the constitution, invaded in their rights of persons and properties with impunity—when the most cruel tortures, and the worst of slavery, sanctioned by law, seemed to be the only inheritance the unhappy people had to bequeath to their children. Through your means more cheering prospects are presented to our view ; you petitioned your King, and he has most graciously heard your prayer ; you petitioned the other branches of the Legislature, and the cause of the people of Newfoundland was for the first time heard, and heard with interest, in the most illustrious assemblies in the universe, where scarcely a murmuring voice was raised against it.

Gentlemen,—Previous to my laying before you the proceedings of the Committee, it may not be unnecessary to remark on some points connected with the history of this Island, which were the real, though remote cause of the appointment of your Committee. I am truly sensible how very incapable I am to do any thing like justice to so important a subject, and regret that the duty was not imposed on a more competent person.

Gentlemen,—It is a well established historical fact, that the great shoals of fish found on the coasts of this Island induced many adventurers to resort to it very soon after it was discovered ; various charters were granted to different persons by Queen Elizabeth and James the 1st, authorizing them to possess the land, and to fish on the coasts. The number of persons employed in the Fishery, or the extent of the trade of the coun-

try at this early period is not easy to be discovered, but it very clearly appears, that they were considered of great importance, as they engaged the attention of many Noblemen and others of the first consideration in the Kingdom. At this period orders were issued from the Star Chamber and the Lords of the Council, from time to time, for the regulation of the country, but by whom these orders were executed, does not very clearly appear.

Gentlemen,—There is an interesting circumstance connected with the earliest period of our History, which appears to be buried in the most impenetrable darkness—the state in which the native inhabitants were found by the first adventurers.—Whether there was from the beginning that impassable line of separation which now unfortunately exists, or whether these unhappy beings were compelled to seek for refuge in the woods and wilds from their most Christian visitors, is not quite certain—but that the latter has been the case, I entertain little doubt, for the proofs are evident and conclusive. For it is an undisputed fact, that until within a very short space of time, the most cruel acts were committed on this unoffending race, without remorse or the fear of punishment. It is within my own recollection that the Governors of the Island found it necessary to issue their Proclamations, forbidding, under the severest penalties, any outrage or injury to be offered them; and a further proof that the barbarous manner in which they were treated was the cause of their avoiding all communications with civilized man, is, that in the other Colonies, where the Natives were treated with kindness, a friendly intercourse has been formed with them. Had there been a superintending authority established in this Island, as was the case in the very infancy of the other colonies, such a state of things would not have been permitted to exist; and to the want of such an authority may justly be attributed the lamentable situation of

this people—the doors of civilization shut against them forever, doomed to roam like wild beasts through the country, exposed to all the rigours of the climate—and to consummate their unhappy lot, without a hope of being enlightened by the Gospel of that Saviour whose blood flowed as freely for them as for the rest of mankind.

Gentlemen,—Some time after the establishment of the Colony at Newfoundland, in consequence of the great disorders committed by the adventurers, application was made in 1667 for the appointment of a Governor, but the merchants, ship-owners, and inhabitants of Totness, Plymouth and Dartmouth, and places adjacent, petitioned the Privy Council against such an appointment, stating it would be injurious to the fishery. In 1674 and 1675 further applications were made for this purpose, and referred to the Lords of Trade, who, after hearing the arguments for and against the settlement of this country, decided against the appointment of a Governor, and recommended that all plantations in Newfoundland should be discouraged—that the Commanders of convoys should have commission to declare to the Planters to come voluntarily away, or else the western charter should be from time to time put in execution, by which all planters were forbid to inhabit within six miles of the shore, from Cape Race to Bonavista.—The report of their Lordships was approved of by his Majesty, and orders were given to carry into effectual execution what was there recommended. Here, Gentlemen, a system of Government was established for this country unequalled in the annals of the most despotic nations, and a system better calculated to oppress and barbarize a country, was never framed by the perverted ingenuity of man. Under this authority the most wanton acts of violence were committed—the houses and property of the Inhabitants and Planters were burnt and destroyed, and every other means were resorted to, to drive them

from the land of their birth, or to extirpate them altogether.— It is scarcely credible at the period we live in, that such a state of things could exist in a country calling itself civilized : I am astonished the Inhabitants did not follow the *wise* example of the native Indians—fly to the woods for protection, and like them swear eternal enmity to the name of Christian.

In 1675, the cruelties exercised at this time on the planters were so great, that Sir John Berry, the Commander of the Convoy, whose duty it was to carry the regulations into effect, represented them in their true colours to Government, entirely disapproving the system, and strongly recommending the policy of encouraging a colony in Newfoundland ; but unfortunately the wise and humane advice of Sir John Berry was not attended to.

The History of this country, from 1675 to the passing of the act of the 10th and 11th William & Mary, exhibits one continued struggle, between the adventurers on the one part, and the native inhabitants and planters on the other—the latter smarting under the most intolerable yoke, their complaints and petitions disregarded—the influence of the adventurers counteracting all the effect of their representations and remonstrances ; until at length, wearied with complaining, and their spirits entirely broken down, they silently submitted to the stronger power of their adversaries.

The passing of the act of the 10th and 11th William and Mary, entitled an Act to encourage the trade of Newfoundland, formed a new era in its history. Previous to this period the country was ruled by a set of needy, unprincipled adventurers, who acted under the illegal authority of the Star Chamber, orders in Council, and what was called rules and regulations. The state of the country was taken into consideration by the Parliament of England, but instead of having amends made for so long a period of suffering and misrule, nearly the

whole of the old system is embodied in the Act of Parliament, which is entirely founded on the barbarous policy that had so long prevailed. That system which before had neither justice nor common sense to support it, now became the law of the land. Nothing could so effectually complete the ruin of this country as the passing of this act; it completely established the ascendancy of the adventurers. The persons vested with authority under this act, bore the high sounding titles of Admirals, Vice Admirals, and Rear Admirals. The skipper or master of the first fishing vessel that arrived, was Admiral in his harbor—the second Vice, and the third Rear Admiral. Power with these persons was Proteus-like—it assumed every form as it answered their own purposes. They had considerable advantages under the Act of Parliament—they were entitled to the best fishing stations; and the first act of their administration was to drive the inhabitants from their rooms, and place their employers or their friends in possession of them. To these persons was entrusted the administration of the laws, for which they must have been *admirably* calculated. The records of their Courts would be an *advantage* to posterity, and no doubt would afford most *delightful specimens of justice*; but unfortunately none were kept, for the best of all possible reasons, that one in ten of them could not write. Many reasons operated to disqualify them for Judges: they were generally themselves, or their employers and friends, a party in almost every case that came before them; for the most part they were the greatest delinquents themselves. In many instances they were absolute strangers in the country; and you will observe, Gentlemen, that the qualifications for Judge were not required to be in the man, but in the vessel; as the Master of the first vessel that arrived, at once became one of the *learned* Judges of the land: from the command of a banker he was exalted to the Bench; as if to reward him for his superior



skill in navigation, the helm of Newfoundland law and justice was placed in his hands. When it happened that the person which we in our days call a youngster, became an Admiral, it was expected he was to be under the tuition of the King of the harbor, for in those days there were not only Admirals in abundance, but there were Kings without number. I need not inform you, Gentlemen, that those Kings were the oldest Captains in their respective harbors, and that many of them could cope with the greatest Captains of antiquity, if their laurels were to be estimated by the number of heads they cut off. As might be expected, the greatest anarchy and disorder prevailed under the administration of the Fishing Admirals; and had it not been for the interference of the Commanders of His Majesty's ships on the station, the situation of the people would have been still worse. In many instances they represented to Government the conduct of the Fishing Admirals as partial, ignorant and unjust—claiming their prerogatives when it suited their own interest—displacing the rightful owners of rooms, and seizing them for themselves or their friends. The necessity of a civil government became so apparent, that many well disposed persons recommended it to Government; and in doing so, one of them writes in this strong and emphatic language—"that the people of Newfoundland may be governed as Britons, and not as a forsaken people, without law or Gospel." For years this country received nothing but a succession of outrages, and the complaints of the people were either not heard, or answered by new and accumulated injuries: the necessity of some amelioration became so apparent, and the representations of the Commanders of his Majesty's ships so frequent and so strong, that at length, in 1729, a civil Governor was appointed. This appointment was most violently opposed by that contemptible faction of adventurers, who were from the beginning adverse to the best interests of the country. It was

only at this late period that the dawn of something like government made its appearance in Newfoundland. Immediately on the arrival of the Governor, he appointed Justices of the Peace, and made many other improvements, highly beneficial to the country. Unhappily for the people, the power vested in him was much too limited, and the adventurers had too much power, not only in this country, under the blasting influence of the 10th and 11th William and Mary, but likewise at the seat of Government in England. When Government wanted information respecting this country, they applied to the persons engaged in the trade, who gave such information as best suited with their own interested and contracted views; they kept Government in darkness respecting its true state. The appointment of a Governor was particularly obnoxious to them: they petitioned, and did every thing else in their power to prevent it; and when a Governor was appointed, they were in opposition to every act intended by him for the good of the country: they pitted their fishing Admirals against his Surrogates and Justices of the Peace; who assumed a greater power than usual—they fined, whipped and plundered at their pleasure—they even had the temerity and insolence to dispute the power of the Governor, pleading their own superior legal authority, as acting by virtue of an act of Parliament.—The extraordinary and violent conduct of the fishing Admirals was well supported by their principals at home, who petitioned Government against the Governor, his officers, and the Justices; and, Gentlemen, you will be no doubt astonished when I inform you, that their representations were fully attended to, and they prevailed on the government to order the Surrogates not to interfere with the fishing Admirals, but to assist them in carrying their iniquitous acts into execution. Little benefit could be gained by the country under such conflicting authorities: the adventurers too well succeeded in depriving the

country of even the semblance of civil government. Matters remained in this state for some time, until the ignorance and injustice of the fishing Admirals rendered them so odious and contemptible, that the people despised their authority altogether; when the Governor, and under him the Surrogates, took all the power into their own hands, much to the satisfaction of the country at large. The laws were administered by them until the passing of an act in 1792 for establishing Courts of Judicature in the Island. A great advantage was gained to the inhabitants by this act, and the consequent establishment of a Supreme Court; but great part of the good that might have been done under it, was counteracted by the appointment of incompetent persons to preside over the infant establishment. It not only required persons of great legal acquirements and experience, but also persons who felt a sympathy with the forlorn and long-neglected situation of the people. Unfortunately, persons of this description were not appointed; and the consequence was, that the country suffered nearly as much under the sanction of the Judicature Act, and by the abuse of it, as it did before from the want of such a law. I shall not enter into the proceedings, nor state the palpable blunders that were committed, not alone under the act of 1792, but the more recent one of the 49th of the late King, intended by the Legislature to establish the people of this country in all the rights and privileges of British subjects—they are so numerous and manifest that those who run may read.

I now, Gentlemen, with pleasure take my leave of the barren wilderness, without one solitary green spot to attract or please the eye, which I found it necessary to carry you through, and have to call your attention to the period when the principles of justice were firmly established in the Courts, agreeable to the intention of the Legislature and the spirit of the Constitution, by our present venerated Chief Justice—(Cheers.)—

He dissipated, by the magic spell of his powerful genius, the clouds of error that so long hung upon the judicial proceedings in this Island. With no guide from the records of his predecessors, directed solely by the integrity of his own heart—*(loud cheers)*—he had to wade through difficulties that would have appalled any other individual. Before he presided over our Courts, although we had laws, they were either not understood, or they were misconstrued, and instead of a blessing they were a scourge to us. By him the Supreme Court has been formed on the broad principles of justice and law—*(loud cheers)*.

Gentlemen, the pure administration of justice is an object of the first importance; but there are others equally so to the prosperity and happiness of the people. No country, either ancient or modern, rose to eminence without some system of laws calculated to make available its internal resources. No two countries are alike. The most perfect system of laws formed for the government of one country, will not equally answer for another—there will be always some localities to be provided for. The people are the best judges of their own wants—to do so is their unalienable, inherent right. If they have not power, either by themselves or their representatives, to make such laws as will secure to themselves and their posterity their liberty and their property, though they may not be slaves, they certainly cannot be freemen. I have no hesitation in saying, that it is something worse than folly for any person or power to attempt to make laws for the local government of a distant country. To the absence of a superintending legislative power in Newfoundland, may be attributed a great portion of the evils we complain of.—The other colonies, in their infancy, were allowed to manage their own affairs in their own way; houses of assembly were elected by the people—which influenced beneficially every

other authority, and thereby protected the essential interests of the country, and the rights of the people. What has been the consequence, under the fostering protection of resident legislatures? They have risen to power, wealth and greatness, unequalled in the annals of the world; while Newfoundland, for the want of such protection, is now nearly in the same barbarous state it was when first discovered by John Cabot, in the reign of the 7th Henry.— If, Gentlemen, you are convinced that the statement I have made of the laws by which Newfoundland has been governed is faithful, you cannot be surprised at the present state of the country. The most luxuriant country in the world, situated in the most temperate climate, under such laws would become an uninhabitable wilderness. Governed by such laws, even England would be now in a worse situation than it was at the invasion of Julius Cæsar; that country, which is now the boast of every Briton, and the wonder of an admiring world, would most probably at this day be farmed out to a company of Jews, and its inhabitants only employed in extracting coal and tin from its mines.

The policy adopted by the mother country was to encourage a transient and moveable fishery, and to prevent settlement: this policy was first adopted by the government, not from any hostility to the country or the people; it was imposed on by the representations of persons whose interest it was to mislead: they were well aware that it was a favorite object with government to increase the naval power of the country by the extension of the Fisheries—they falsely stated, that the sedentary fishery carried on by the natives would not be conducive to that end, but that a transient and moveable fishery, the precise fishery they carried on themselves, was the only one that could possibly increase the naval power of the empire. Here, Gentlemen; the want of a legalized organ of

expression in the country is evident ; had such an authority existed, how easy could they have proved that the objects of government would be better attained by a resident Fishery—that the trade and fishery of a people would make more seamen and employ more vessels than a few monopolists could possibly do. (*Hear, hear, hear.*) For the want of such an interest, the adventurers were completely established in the monopoly of the trade and fishery of the Island, to the prejudice of the native inhabitants.

The wretched policy so long adopted towards this country—the erroneous opinion so industriously and so successfully circulated, that the climate was so severe, and the soil so barren, as to render the Island unfit for habitation or cultivation, induced the Government to view it only as a nursery for seamen—formed almost insurmountable obstacles in the way of any attempt being made to better the condition of the country—so much so, that persons well inclined towards the happiness of the people and the welfare of the country, despaired of doing any good. Things remained in this state when the feelings of the people were roused in no small degree by the unfortunate occurrences that took place last year in Conception Bay, which gave rise to the meeting by which the present Committee was nominated.

Previous to my laying before you the proceedings of that Committee, I feel it necessary to explain to you the motives by which they were actuated, as an opinion prevailed, and which was industriously circulated, that the object of the Committee was more a personal persecution of the parties concerned in the transactions at Conception Bay, than the attainment of redress for the injured individuals, or justice for a long-oppressed and insulted country. On the part of the Committee, I have to repel the foul, the unfounded imputation ; the Committee could

not be governed by such motives—they had no personal enmity to gratify. If they felt any reluctance in coming forward on the occasion, it entirely arose from the personal respect they had to the parties immediately concerned, which some of the Committee expressed on more than one occasion; particularly to the one who formerly held a high situation in this place, when, on a very trying occasion, he gave very great satisfaction to the public. I will now lay before you the proceedings of the Committee.

[Here the Chairman read the Petition to the King, with the various communications to and from the Committee, as they appear in order in this pamphlet.]

Gentlemen, you have now before you the proceedings of the Committee, and it remains with you to adopt such measures as you may think expedient. It is much easier to point out evils than to remedy them; but I think it must be now very clear, that the want of a resident government, which would identify itself with the people and the country, protect it from insult and aggression from abroad, and make its means available at home, have been the primary causes of your misfortunes. Why such a power was not established here, as well as in the other colonies, must appear surprising to the transient observer.

The cultivation of the soil, and the forming comfortable establishments in the new world, were the first objects with the adventurers to the other colonies, which were mostly agricultural countries. The progress of wealth in agricultural countries is slow, and the labour of attaining it very great; it required time, perseverance and industry to improve a wild and barbarous country. To make their improvements permanently valuable, it was necessary to adopt that country, of which their offspring were to be the future inhabitants: and, as many of them fled from persecution, they were resolved to secure for

themselves and their children those civil and religious rights which are the natural inheritance of all men, and without which no country can long flourish. The superior advantages of the fishery of this Island prevented the attention of adventurers from being turned towards agricultural pursuits: its great profits offered them an opportunity of making large fortunes in a few years, and enabled them to return to their country and their friends, loaded with wealth, without conferring the slightest benefit on the country by which they were enriched. The advantages of the Fishery were known only to a few persons, who were determined to engross the whole to themselves; they looked with a jealous eye on any thing like settlement in the country, as it would be fatal to their monopoly. This is the true cause why Newfoundland was not settled in its infancy, as the other colonies, and that the people have been suffering under the worst of all tyrannies—a *mercantile* one. Had there been a local government early established in this country, would it allow its interests to be sacrificed to the cupidity of a few needy adventurers, whose only object was to enrich themselves, and oppress and impoverish the native inhabitants?

If the Fisheries of Newfoundland are mines of national wealth superior to those of Mexico and Peru, how might they be made available to its welfare and improvement, under the guidance of a local government; but instead of being a benefit to the country, I don't hesitate to say, that they have been a great cause of its present neglected and uncultivated state.

The system has been a bad one; it has brought your trade and Fishery to the very brink of ruin—prevented the cultivation of your soil, the education of your people—caused the native to fly for protection to his woods, preferring his barbarous state to your civilization: in short, it is a system so bad, that, like Pandora's box, it has been fraught with every evil.

The first step necessary to be taken to remedy the evils,

is to endeavour to procure a local government, to watch and guard your future interests. The necessity and justice of such a measure is so apparent, that if you are only firm and temperate, the period is not far distant when it will be granted you. A difficulty may arise as to the form of your future government—in our days a difficulty of that kind is easily surmounted: we need not send our wise men to Egypt or Greece to seek after laws. It is not necessary that we should have a Solon or a Lycurgus amongst us—we need not apprehend the cruelty of a Draco or the tyranny of a *Decemviri*; we need not adopt any of those visionary systems that find so many advocates in the present day. No, Gentlemen, all you have to do is to form your laws under the shade and on the broad principle of the British Constitution—(*Loud Cheers.*)

Gentlemen,—The cause you have embarked in is a good one: hitherto you have heard of a Dartmouth interest, a Poole interest, a Scotch interest, and an Irish interest—it has remained for you to form a Newfoundland interest—(*Loud and continued Cheers.*) With the most sanguine hopes for the future, I place the cause of the country in your hands, with only one remark, that in whatever way Providence may please to dispose of me, the interest of the country, and the happiness of the people, shall be an object ever dear to my heart—(*Cheers.*)

Mr. DAWE then spoke nearly as follows:—

Mr. CHAIRMAN,—After the able manner in which you have traced and explained the causes of our present neglected and oppressed condition, which we all so sensibly feel, and are so anxious to have redressed, for me to say any thing on that score would be at least superfluous; I will therefore confine myself principally to proposing measures which have for their object, and I trust will effectually prove, the means of emancipating this unfortunate country from that unconstitutional system of government which has reduced its trade to ruin and its

population to slavery, and in spite of the efforts of tyranny, avarice and prejudice, of obtaining for us, our most invaluable birth-rights, the blessings and protection of the British laws and Constitution. But, Sir, before we proceed to make resolutions for our future welfare, we have an imperative duty to perform, and that is, in some degree to discharge the debt of gratitude we owe to those whose benevolent and patriotic efforts have opened upon us the glorious dawn of constitutional freedom, and already wrested the lash of torture from the strong arm of despotic power.

I have, Sir, witnessed all the labors of the Committee, and the effects their judicious measures have produced upon the most illustrious and patriotic members of the British Senate, and can more justly, perhaps, than any other, appreciate their value; I therefore beg to move the following Resolution—
Resolved, 1—That the Committee merit the confidence and Thanks of this Meeting, for their judicious and indefatigable exertions in forwarding the objects for which they were constituted.

Which was seconded and carried unanimously.

Mr. SHEA then proposed the following Resolution:—

Resolved, 2—That the Thanks of this Meeting be given to his Excellency Vice Admiral Sir Charles Hamilton, Bart. Governor and Commander in Chief of this Island, for the handsome manner in which he received the Deputation from the Committee, and for his promptitude in forwarding the Petition to our most gracious Sovereign.

Which was also seconded and carried unanimously.

Mr. DAWE then again rose, and addressed the Chairman as follows:—

Mr. CHAIRMAN—The next resolution I have to propose is one in which I am sure you and all the Gentlemen present will most cordially unite: It is that the thanks of this meeting

be given to those distinguished Members of the British Parliament, who have so zealously and ably espoused our cause.

In the debates on our Petition in the House of Commons, they depicted our injuries and oppressions with a glowing eloquence, which proved how deeply their feelings were interested for us; and they displayed a mastery of their subject which they could only have acquired by the most indefatigable research and deep consideration; and of which you can form but a very faint idea indeed from the mangled reports published in the newspapers.

I was not present at the debates which took place in the House of Lords, but I have every reason to believe the reports published of them are not more correct. Both those illustrious Noblemen who distinguished themselves on those occasions, expressed to me that indignation at our enslaved and oppressed condition, which such enlightened patriots and firm advocates for British liberty could not but feel; and they have given me assurances of their invaluable support and exertions on our behalf, till we have succeeded in obtaining our emancipation.

The personal civility, the freedom of access, and the patient hearings I received from them and every other distinguished character with whom my mission to England led me to have any intercourse, demand my warmest gratitude; and even in my correspondence with the Under Secretary of State, and my interview with that gentleman, I experienced a politeness and attention which formed a strong contrast with that overbearing arrogance and insolence of office for which our Secretary of State is so pre-eminently conspicuous. I beg to conclude by moving the following resolution—

Resolved, 3—That the Thanks of this Meeting are due, and most sincerely and gratefully given, to the Right Hon. Lord Holland, the Right Hon. the Earl Darnley, Sir James Mackintosh, Sir John Newport, Bart. Doctor

Lushington, and William Smith, Esq. for their able and zealous support of our Petitions in both Houses of Parliament, and that they be most respectfully and earnestly entreated to continue their invaluable exertions in our behalf.

Which Resolution, as well as the one following, was seconded and carried unanimously.

Resolved, 4—That the uncultivated state of the Island—the depression of its Trade, caused by unwise Laws, ruinous Treaties, and restricted commerce; the instability of property, the want of institutions for the instruction of youth, and of an efficient police, are principally to be attributed to the absence of a legal organ of representation, calculated to watch over the interests and to promote and render available the resources of the country.

Resolved, 5—That we consider it equally the right, and equally due to the Inhabitants of Newfoundland, with those of Nova Scotia, the Canadas, and his Majesty's other transatlantic Colonies, to be endowed with an independent legislature.

DR. CARSON, in rising to second this motion, availed himself of the opportunity of congratulating the inhabitants of St. John's on the prospect of some amelioration of their political condition; and he expressed his hopes that the inhabitants of Newfoundland would profit by existing circumstances, and make every legal and constitutional exertion in their power to rescue their country from its present anomalous situation.

He said that it would not become him, as being one of the Committee, to speak of their labours in terms of eulogy; but he might be permitted to say, he believed that there never were a set of men, acting in a political capacity, who felt a purer desire to serve their country. There is not one of them that can be supposed to be actuated by a selfish feeling—their

views are entirely prospective, pure and patriotic ; they wish to consign to oblivion all past wrongs inflicted on their fellow men, along with the system which gave birth to them. They all, uniformly, deprecated the slightest attempt to political innovation, as destructive to the rising liberties of Newfoundland ; their wishes were to have the laws in spirit and in the mode of administration assimilated to those of England, and a constitution on the model of the parent state : a constitution which is the proud boast of every Briton, and emphatically said to be the admiration of the world. The British Constitution was the star which guided and directed them in all their proceedings, and they were resolved that nothing should seduce or draw them from that course they had adopted, being convinced that it was the only one which would finally conduct them to prosperity, to liberty, and to happiness.

The labours of the Committee had two objects :—1st. *Obtaining a reform of the laws, particularly in the mode of their administration.* 2d. *An Independent Legislature.* To the first prayer of the Petition His Majesty condescended to reply in these most gracious words—“ His Majesty has under consideration how far the altered state of Newfoundland requires some alteration of the existing laws respecting it.” The Right Honourable the Secretary of State for Colonies, stated in the House of Lords, that the subject was under consideration in the proper quarter. After such high and satisfactory assurances, the country might rely with confidence in obtaining the first object of the Petition of the Inhabitants of St. John's. Although under such circumstances it might not be decorous to petition further upon this subject, it may be proper to instruct the Committee carefully to watch over all proceedings in Parliament respecting this country, in order that all enactments may be for its benefit. In regard to the 2d object of the Petition, an *independent Legislature*—could that be procured, it would

be the best channel through which the Laws, and the mode of their administration, could be reformed. To this prayer his Majesty has likewise graciously condescended to reply in these words—"His Majesty feels himself compelled to discourage his sanction being given to an independent Legislature; for neither do the particular evils of which the memorialists complain (even admitting them to be correctly stated) appear to arise from the absence of a Legislature, nor does the representation given by the memorialists of the state of the colony, give any reason to suppose that they could conveniently take upon themselves the charge now borne by Great Britain; and which would, in the event of a Legislature, necessarily fall upon the Island."

In discussing this reply, he was authorized by the constitution of his country, to consider it solely as the answer of his Majesty's Ministers. At the time the answer was given, the petitioners and their objects were misrepresented at the office of the Secretary of State for the Colonies; but soon after a beam of light on Newfoundland affairs was thrown into that office. When the subject came to be discussed in Parliament, neither the Right Honourable the Secretary of State for colonies, in the House of Lords, nor the Honourable the Under Secretary, in the House of Commons, questioned the truth of the statement or the objects of the petitioners. It will be an easy matter to frame a statement that cannot fail to bring conviction to the Royal mind, that Newfoundland has sustained many and great evils from the absence of a Colonial Legislature; and that the people not only can take upon themselves all the expenses of Legislation and civil Government, but that for many years no part of the charge of the Government of Newfoundland has been borne by Great Britain.

Under such a view of our situation, his Majesty's reply

may be considered as extremely consoling. Remove the reasons of his refusal, and it is natural to expect that he will concede to his faithful and dutiful subjects a request founded in justice and their rights.

He now proceeded to state the inability of the British Parliament, in consequence of the want of all information respecting Newfoundland, to Legislate for it with safety and advantage. Mr. Goulburn stated in the House of Commons, in the debate on the Newfoundland Petition, that "there were only two classes of men in that country—merchants and servants." It would be quite ridiculous to enter into any thing like a serious refutation of an assertion so erroneous. So far back as the time of William the Third, the English Parliament recognized a description of people in Newfoundland that were neither merchants nor servants. Indeed, the principal object of the statute 10th and 11th William the Third was to give to the English merchants and their servants an advantage over planters and native fishermen. From that period until the present, various have been the conflicts between these contending parties: The one for power and exclusive right; the other for equal laws and useful institutions. He was borne out in this assertion by Mr. Chief Justice Reeves in his history of the Laws of Newfoundland.

'I intend,' (says the learned author,) 'to give a short History of the Government and Constitution of the Island of Newfoundland. This will comprise the struggles and vicissitudes of two contending interests: The planters and inhabitants on the one hand, who, being settled there, needed the protection of Government and the administration of justice; and the adventurers and merchants on the other, who originally carrying on the fishery from this country, and visiting that Island only for the season, needed no such protection for

‘themselves, and had *various reasons* for preventing its being afforded to others.’

That numerous and highly useful class of men which are here denominated planters—those numerous and rapidly increasing bodies of men, the shopkeepers, the agriculturists, tailors, carpenters, shoemakers; in a word, all those classes of men, excepting the hereditary nobility, which constitute the population of England, and which form its bones and sinews, are to be found in Newfoundland. But Mr. Goulburn appears to be ignorant of their existence here. And pray who is Mr. Goulburn?—He is the Under Secretary of State for the Colonies: the individual to whom the management of Newfoundland affairs is especially intrusted. He is Prime Minister for this country. Is it not natural to expect that such a character should be well informed of every circumstance respecting it? Yet he gets up gravely and preparedly in the House of Commons, and roundly asserts that there are only two classes of men in Newfoundland—‘the Merchants and Servants.’ He denies the existence of three fourths of the population, and on such erroneous premises goes on to justify the appointment of naval officers to the important situation of civil judges.—There was not a member in that house who could, or who chose to correct the mis-statement. This of itself should be sufficient to convince reflecting and dispassionate men, that the British Legislature does not possess sufficient knowledge of Newfoundland to enable it to legislate for this country with safety and advantage. Far be it from him to reflect, in the slightest degree, on the talents or intentions of Mr. Goulburn; but he believed that the Honourable the Under Secretary’s Newfoundland politics were founded upon misrepresentation. Neither, he hoped, should he be thought so arrogant as having the slightest intention to arraign the wisdom and paternal care of Parliament. It was the high estimation in which he held

that chief of human institutions, which renders him so desirous that a similar one should be constituted here, in order that hereafter Newfoundlanders should in all things resemble Britons; for on political institutions mainly depend the character of every people. He did not expect men to possess knowledge intuitively; and he could hardly hope that the highly-gifted members of the British Senate should ever deem Newfoundland of that consequence, so as to induce them to study all its relations and circumstances with necessary attention. What has uniformly happened, it is only just and logical to conclude will continue to take place. That under the present system, laws will be framed for Newfoundland, and carried through the British Parliament by some dozen speculators living in England, actuated by selfish views, and regardless of the interests of the people: Laws which will have the effect to disunite, to deteriorate and demoralize them. The statutes 10th and 11th William III. have already been alluded to, and exposed with much ability by the Chairman.

The statutes 15th and 26th George III. are so much at variance with common sense and common justice, that it is found impossible to give them activity.

The Judicature Act is so obscurely worded, giving rise to opposite readings and conflicting judgments, as to have disgusted all, and proved the ruin of many families.

The Act for appropriating the ships' rooms in the town of St. John's, passed without the knowledge or the slightest intimation being given to the Inhabitants, whose rights it most essentially affected and violated.

The Act which imposes a duty of 6d. per gallon on Rum from the West Indies, and 1s. 6d. per gallon on all strong spirits from Europe, is in violation of the most solemn pledge ever given by Great Britain to the colonies: This duty has in some years yielded a revenue of £18,000 per annum,

which was transmitted to England, and appropriated nobody knows how or where.

Marriages were formerly considered sufficiently valid if solemnized by any Clergyman dispensing the holy rites of our common religion. Through indiscreet interference, at the instigation of a few, to put money into the pockets of two or three individuals, the Marriage Act was procured, which has the effect to bastardize three fourths of the children now born in this country. This is a most serious consideration for all who feel an interest in the prosperity of Newfoundland.

It is confidently said, that a clause in the late act for re-building the town of Saint John, was altered by a Gentleman residing in England, (who influences two members to the House of Commons,) by which his private property in this town became exempted from the operation of the Act; although such alteration in a great degree destroys the intentions of the Act, which were to secure the town from fire.

From these premises, and he believed he had stated them correctly, he thought himself authorized in coming to the conclusion, that the British Parliament, from ignorance of all the relations and circumstances of this country, is not competent to legislate for us; and that the only remedy for removing the existing evils, and for insuring the future prosperity of the country, will be found in an independent legislature, calculated to watch over its interests, and to render available those resources which nature has bestowed upon it.

He then proceeded to state, that the existing revenues were ample for the support of a civil government, and an independent legislature, without any assistance from the parent state, or imposing any new burthens upon the people of this country.

He estimated the necessary annual expenses as follows :—

A civil Governor,	£4000	
Secretary and Clerks,	1000	£ 5000
A Chief Justice,	2000	
Two Assistant Judges,	2000	
Clerks and Ministerial Officers,	1000	5000
Expenses of the Legislative Body,	2000	
Town Prisons, &c.	3000	5000
Total of annual expenses,		<u>£15,000</u>

THE REVENUE TO MEET THAT EXPENSE—

The existing Duties on Wines and Spirits	£12,000
The Rents of Ships' Rooms and Lands	4000
The produce of Writs and Fines,	1500
Licences for Public Houses,	1000
Total	<u>£18,500</u>

Leaving £3500 in the hands of the Treasurer, without adding one shilling additional to the burthens of the People, or the necessity of drawing upon the British Treasury a single Bill.

This Island has many resources within itself for the support of a much larger population than it has; but even the comparative few that inhabit it are beginning to want employment, and starve in the midst of millions of uncultivated acres. This is not the result of chance—it is the unavoidable consequence of a system which has forbidden the cultivation of the earth as a crime. Why has this been? Because it was the interest of some dozen speculators at home to prevent every inducement to people to multiply in Newfoundland, in order that they may enjoy a complete monopoly of the fisheries and trade of the Island. The interests of tens of thousands have been

sacrificed to a fewer number of individuals. This could not have happened if there had been a local assembly representing the general interests of the Island, and forwarding the representations of the people to their Sovereign. The Government of the Island has fallen in with the views of the speculators, and done its best to check the growth of population and the produce of bread. The system has been carefully transmitted from Governor to Governor.* He must not be supposed to allude to the present Governor, who he believed to be a man of principle and humanity, and had the interests of the people at heart—(Cheers).

What must be the resources of a country which has been able to force its way under such a load of obstacles? Yet let us not be blind to our situation—our fisheries are failing; the speculators are withdrawing as fast as they can, and leaving us to starve; and not a step is taken by the Government to avert the evils which are coming in broad day-light upon us. Let us but suppose that a different system had been pursued for the last hundred years, what would have been the present state of the Island. It is more than probable that it would have had as much cultivation in it as would have been necessary for the ordinary consumption of the inhabitants. It would not have had the dreadful prospect of famine before it. Fewer fortunes would have been realized, but the people, the Island would have been far more independent. And if a numerous, prosperous, and independent body of people constitute the wealth of a nation, the mother country would have been far richer in us than she is at present.

There are two things peculiar to this island: the one is the want of a local power to make laws for the benefit of

* Is it not possible that the monopolists residing in England took especial care to influence the choice of an individual as Governor who would enter into their views and act upon their policy?

the people, the other the neglected state of the country.— These things are peculiar to us; they are not to be found in all North America besides; and it may be reasonable to expect that there is a natural connexion between them. It is the want of a local power to make laws, that leaves us at the mercy of a few gentlemen elsewhere, who regard us in the same light as a planter in London regards his slaves in the West Indies. In what other colony can it happen that about a dozen Gentlemen in England can meet together, and agree upon a law, and carry it through the forms of Parliament, with no more communication, or even intimation, with the people who are to be governed by that law, than if they were birds of the air or beasts of the field? Such is the mode of Legislation for Newfoundland. There is only one remedy for all this: It is to transfer the power that is held over us to such hands as have a common interest with us; who will use it not as a curse, but as a blessing to us. Then we shall have cultivation encouraged, population increase, and trade flourish—not a monopolised trade, which benefits the few at the expense of the many, but that trade which always grows up among a numerous, an industrious, and a thriving population.

The resolution which this assembly has just passed, conveys in clear and forcible language, the injuries which this country has sustained from the absence of an independent Legislature. He was happy that such a resolution would go down to after times as the unanimous declaration of the Inhabitants of St. John's. He concluded by remarking that he had not ability to do ample justice to a subject of such paramount importance to the interests and happiness of a people which had his best wishes.

—(Cheers.)

The 5th Resolution was about to be put from the Chair, when Mr. SIMMS rose and claimed the privilege of addressing a few observations on the subject of this Resolution.

He desired to express himself as having listened with much satisfaction to the detail just laid before the public, of the proceedings of the Committee since the former public meeting; and he sincerely congratulated the present assembly on the result that promised to await their exertions, in an affair that concerned the welfare and happiness of society so much, as the due administration of justice;—a duty that could be fulfilled only by men who had a competent knowledge of the laws of the country.

He had felt himself restrained from attending the former public meeting; but now, contemplating with pleasure that the objects of that meeting had been pursued with that delicacy in reference to certain individuals, which restrained their proceedings from any tendency towards personal implication, he felt much satisfaction in being present on this occasion. He was, however, much concerned that he did not see around him a number of persons, inhabitants of this town, who from their station in life, and respectability of character, would have added weight to the measures of the day.

When he considered how much the interests of those persons were, in common with the welfare of others, involved in the questions now under discussion, he was at a loss to account for their absence on such an occasion; unless it were, that the precise objects of the present day's meeting had not been sufficiently defined in the notice that had been given in the Newspapers—an opinion to which he inclined. For himself, he had not come there by any means prepared to meet the course now adopted by the meeting. The proceedings of the day had, in the main, hitherto received his concurrence, until the 5th resolution was proposed; and he must avow that he felt much surprised when that resolution was advanced, conceiving, as he did, that it involved questions of very great moment—not alone to the inhabitants of St. John's, but to the po-

pulation and trade of the Island at large. Viewing, therefore, that there was but a very small portion of the trade and property of St. John's even represented at the present meeting, he thought it would be most advisable to defer the consideration of the subject of the fifth resolution until a future day, to be now appointed; and in the interim, the public, not only of St. John's, but of the Island at large, might be apprised of such a proposition; when those persons interested in so weighty a concernment might come prepared to deliver their own sentiments, and hear the opinions of others; after which it might be presumed, that a resolution in consonance with the sense of the public at large, might be attained on rational grounds.— If a contrary course were pursued, he conceived that presumption might be justly imputed to the present meeting, limited in numbers, and in consequence, as it comparatively was; and especially he feared the further effect would be, to raise an opposition and create a division of sentiment on an occasion that called, in an especial manner, for fair and temperate discussion to debate, and moderation and union to pursue, what might be resolved on. To the abstract terms of the resolution now under consideration he did not feel disposed to dissent.— He, on the contrary, was prepared to admit that the inhabitants of Newfoundland had an equal right with those of other colonies to the benefits of a local legislature; but this proposition, he conceived, could not, on the present occasion, be properly considered abstractedly, and without regard to the usefulness, expediency, and practicability of such an institution. Would a local legislature be beneficial to the interests of the country? was the main question: and if so, was it practicable? He, for his own part, had considered the subject frequently during the last ten years, and he thought he saw several objections in the way of such an institution,—objections springing out of the natural incapacities of the country, and growing out of the un-

certain state of its constantly fluctuating population. These objections had presented themselves while he had considered the subject in former times, when Newfoundland was in a far better capacity to support the expenses incident to a local legislature than she is at present;—expenses which would, he thought, far exceed the extent of the calculations offered by one of the gentlemen who had just spoken on the subject. He (Mr. S.) was by no means satisfied that the monies arising from the present existing taxes within the Island, and taken into the calculation of ways and means by that gentleman, would be permitted to become available to the local government, if they were to attain to it. There was another point very important to consider, and which was, that not only were many persons resident in this Island, as well as others resident in England, and connected with the trade of this country, inimical to the adoption of a local legislature, but his Majesty, through the usual medium of office, had on that point, in his answer to the Petition, expressly noticed that he did not deem a local legislature for Newfoundland requisite in order to the redress of the grievances complained of; and further, that his Majesty did not consider the present condition of this colony adequate to bear the burden of expenses incident to such an establishment.—The doubts that he (Mr. S.) had always entertained, were quite concurrent with these sentiments. The subject embraced by this resolution was certainly one of great magnitude, and required considerable experience in the world, and in its business, to estimate the advantages and disadvantages of the measure, as applicable to this Island. That many disadvantages were sustained by some of the neighbouring and other colonies, in consequence of such a system, he felt assured. Not, however, anticipating the discussion of such a subject to-day, he had not come there prepared to take a view of all the advantages and disadvantages incident to the proposed system, much less

did he propose what he had now offered as embracing the merits of the question, which to treat fully, required more attention than he had bestowed on the subject, and more talent than he possessed to lend to it. His present object was to induce this meeting to pause before they entered upon a resolution, which, for the reasons he had stated, he conceived himself fully justified in characterising as premature, and inexpedient to be passed at the present moment. His own opinion was not made up on the subject of local legislation, and before he came to a conclusion, he wished to hear the opinions of others better informed than himself. As applicable to the present condition of things, he confessed he entertained doubts against the propriety of adopting a local legislature, nor did he conceive that it would operate at all as an antidote to the evils which had been complained of, as arising out of the undue influence of the west-country and other merchants. If this island were to have a House of Assembly, &c. who would return the members? If even they were to be returned by the whole body of the people, still he would say, that people of property and talent would always mainly influence, if not entirely direct the return; and he for his part thought, that of two evils, if the influence could not be equally distributed, that least objectionable was, where the influence should predominate on the side of property. His mind was however still kept open for further inquiry, and if he should, by his own reflections, or the arguments of others, ascertain that his doubts were groundless, or not of such importance in their application as he had hitherto conceived them to be, he would cheerfully coincide in the proposed resolution.

It might be asked; perhaps, what remedy or other plan he had to propose in the event of the relinquishment of the present view towards a local legislature? To such inquiry he must answer, that not having satisfied his mind upon the previous

question, he had not come to any conclusion relative to an alternative.

He could collect that upon this, as on almost every other public question, a diversity of opinion was entertained. Some persons thought a local legislature desirable to attain at any rate; others thought that the evils it would bring, would more than counterbalance the benefits that the country would derive from it. Many thought it imprudent and inexpedient to adopt it at the present crisis, on the score of expense, which the trade of the country, under existing circumstances, could not support; and finally, not a few conceived the measure to be inapplicable, and even impracticable to the condition of the country.

Having detained the present company by the submission of these hints, which he had thrown out in a desultory manner for their consideration, he would most earnestly entreat them not to adopt any course that would tend to excite division in the community, and sow the seeds of party measures. Should such an unfortunate consequence result from the present adoption of the proposed resolution, he was sure that every one present would feel regret, and that unfortunately, perhaps, at a period too late to apply a remedy. He therefore proposed, that in lieu of the fifth Resolution, the following be adopted:—

It is Resolved, that the Merchants, Land-holders, and other Inhabitants of St. John's, and the Island at large, be requested to meet in St. John's, on _____ to consider what remedies should be proposed to His Majesty's Government as a means to redress the evils referred to in the last resolution, and to promote the future welfare of this Island.

Mr. DAWKINS was happy to hear that the proceedings of the Committee had hitherto met with the approbation of the Gentleman who spoke last; and he could not help expressing

his acknowledgments to that Gentleman for coming forward and declaring his sentiments in the open and candid manner he had done, however much he might differ from them with respect to the 5th Resolution, and he wished those Gentlemen whose absence he (Mr. S.) regretted, had followed his example ; not because he thought their presence or support would give any efficacy or weight to the measures which were proposed—for it was to the weight of the grievances of which we complained, not to the weight of the purses of the complainants, to which Parliament would direct its attention—but because by absentsing themselves, they either betrayed a total indifference to the real welfare of that country to which most of them were indebted for the respectability and consequence they claimed, or that they were not *at liberty* to express their opinions upon the subject. It was impossible that their absence could be attributed to an ignorance of the precise objects of the meeting. The Petitions to his Majesty and Parliament had been publicly read on three different days previous to their being forwarded to England, and lay open for the inspection of every one who felt inclined to peruse them ; and he would assert, without fear of contradiction, that there was not an house-holder in St. John's but knew the prayers of those Petitions were for a reform in the inferior Courts of Justice, and a representative local legislature. At all events the reports of the proceedings in Parliament clearly explained what the objects of the Petitioners were ; and he thought the absentees had rather too much curiosity in their composition to be able to resist the temptation of taking a sly peep at the newspapers which contained them.

Although that Gentleman (Mr. S.) had objected to the establishment of a representative local legislature, he had not suggested any other measure by which the evils we complained of might be redressed. He (Mr. Dawe) had heard a Council

was proposed by some, (not that he for a moment imagined Mr. S. was one of that number,) who, no doubt were actuated by the most *pure and disinterested motives*; but of such a system he was sure this country had already had enough.— Were not those hungry hirelings who had beset and spell-bound so many of our successive Governors—virtually a Council?—and if a Council was to be legally organized, would it not in all probability consist of those very men?—for there was not a meanness they would consider too degrading—not a principle (if they had any) they would not sacrifice, to continue their despotic sway, and glut their avarice on the vitals of this unfortunate country. Of the benefits we should enjoy under such a Government, we had some precious specimens in the numerous proclamations which had issued from the Government office from the time of Sir Hugh Palliser to the present—proclamations which had been carried into effect as laws; laws under which every inhabitant of this Island who carries on the fishery on the coast of Labrador was liable to be flogged and his property confiscated; and under which, three unfortunate men, for availing themselves of the bounties of Providence by shooting some sea-fowl on a desert island on a remote part of the coast, to keep themselves and children from starving, had been whipped through the streets of St. John's. It was impossible that we could have had such a succession of cruel and unjust Governors as those Proclamations would lead us to believe! No! those precious documents were not the edicts of the Governors, but the offspring of that spirit of despotism which had reigned in the breasts of their evil counsellors, and which had uniformly characterized all their actions. He was sure the Gentleman who last addressed the Meeting, knew them too well to suggest any measure which would tend to add to or continue the little power they possessed since law and justice had pared their talons. And if he did not approve of

a local representative legislature, he hoped he (Mr. S.) would point out some other course, so that we might steer clear of the danger of a Council.

That Gentleman had suggested an idea that it was presumptuous in the meeting to attempt to legislate for the whole Island, and that a future day had better be fixed for another meeting. With respect to legislating for the Island, he (Mr. Dawe) did not believe such was the wish of the meeting; the necessity of some change of the present system was felt and acknowledged by every individual in the country, whatever his station, except the miserable faction to which he had before alluded. Those who did not approve of the measures proposed by this meeting could call another, and adopt such as they might think proper. As to delay he could not consent to it; the present system was too iniquitous longer to exist; he had, in a neighbouring district, discovered that the Courts of Justice were so corrupt, that all the Officers belonging to them, whether judicial or ministerial, were united in one common band to plunder the community under their controul. This he had represented to the highest authority in the Island, but his representations had been treated with contempt; he was, however, consoled under the idea, that when they were made to his Majesty's Ministers and the British Parliament, they would meet a different fate. The moment was too favorable to be lost; the most able and patriotic members of that Parliament had become our champions; they felt for our wrongs, and would exert their powerful talents in our cause; under such auspices we might with confidence look for redress.

To the inhabitants of this Island he was under the greatest obligations, from the first moment he set his foot upon it.—When the strong arm of tyrannic power pressed heavy upon him—when groundless prosecutions were instituted against him, and the thunder of a Government Proclamation was le-

velled to crush him, he was enabled, by their friendly support, to stand unshaken, and smile with indifference at the puny efforts of lawless despotism.

He had then been many years among them, and they must have been able to form some estimate of his character. Did they think he could ever be ungrateful to a community to which he was so deeply indebted?—Did they think he would recommend a measure which he was not convinced was essential to its welfare? No! he would not; and as they had given him many proofs of their confidence, he conjured them to add one more, by unanimously passing the 5th Resolution as he had originally proposed it.

Dr. CARSON, as seconder of the motion under discussion, deemed himself entitled to reply. He could not help expressing his surprise that after the preceding motion passing unanimously, there could be the slightest objection to the one under consideration; the one appearing to him of necessity to follow the other.

He considered that Mr. SIMMS had not stated clearly his reasons of dissent; nor had he submitted any plan for removing the evils so unanimously felt and expressed by this assembly. He believed that it was the object of a party, in this town, to obtain for Newfoundland a Government consisting of a Governor and Council. Could a Council be procured, feeling all the interests of the country, and expressing the sentiments of the people, such a Government would be simple and efficient for every useful purpose. But it is the disposition of all men, and of all bodies of men, to invade, as much as in their power, the rights and privileges of others. The pre-eminence of the British constitution, and the safety of the people's freedom, consisted, principally, in the three estates of King, Lords and Commons, checking and controlling that natural tendency of the human character. But where would be the check on a Council ap-

pointed by a Governor, if there were no legislative Assembly?

Bad as the present Government was, he would far rather have it, than a Government consisting of a Governor and Council. On the appointment of such a Government he would, so soon as he heard the number of the Council, venture to name all its members; and he could assure this meeting that there would not be one amongst them such as they would choose—not one possessing their confidence. All would be characterized by a condescending pliability of temper, and accordance with every wish of a Governor. It would be an absolute and despotic government. He professed himself to be a plain, practical man, adverse to any thing like innovation or experiment on this subject. He would oppose any plan of government for this country, that did not accord, literally, with the British constitution. It had been said, that legislative assemblies had been found in some colonies pregnant with evils.—The evils, he apprehended, consisted in the patriotic voices of the people asserting through their representatives their constitutional rights and privileges; and opposing undue patronage, extortion, and fraud. He hoped the British colonies would be pregnant with such evils until all their liberties were conceded to them.

A Government consisting of a Governor and Council was at one time established in Canada; but it was soon found to be so pregnant with real evils, that the paternal government found it necessary to annihilate it, and to establish a government on its own principles. The British House of Commons could never sanction a power, in any body of men, to raise a revenue, but by a representative body, chosen by the people.

Mr. SIMMS had talked of a meeting of the Inhabitants of the Island generally, at St. John's, to discuss the subject under consideration. Such a meeting would be both impracticable

and unjust. The planters at a distance could not be expected to leave their homes—the adventurers would all attend.

Let the town of St. John's act for itself; the other parts of the Island would do the same; and he had no doubt but that they would all accord in one sentiment, and unite in one declaration to the parent state.

Mr. MORRIS then addressing himself to the Meeting, spoke to the following effect:—

Gentlemen,—The handsome manner in which Mr. SIMMS has spoken of the proceedings and labours of the Committee must be highly gratifying; he most fully acquits them of any vindictive feeling towards the parties concerned in the transactions that took place in Conception Bay. Mr. SIMMS' allusion to that matter brings to my recollection two most important facts, which escaped my notice when last addressing you.

When the Committee found there was a probability of their attaining their great object without prosecuting LANDERGAN's appeal to His Majesty in Council, they at once gave up the proceedings; and it has come to my knowledge, from the very best authority, that the Rev. Mr. LEIGH did every thing in his power to make amends to the unfortunate LANDERGAN for the injustice done him by the sentence of the Surrogate Court—he purchased for a considerable sum his Room and Property, and made a free gift of it to his distressed family. Such conduct in itself is sufficient to disarm all resentment; and it is very worthy of a Minister of that holy Religion, that so imperatively commands *Justice and Charity*.

Gentlemen,—Mr. SIMMS fully agrees with the Committee as to the existence of the evils complained of, but does not approve of the remedy proposed; and as many of the Merchants, who he says are the chief support of the country, are absent from the meeting, it would not be prudent to press this most important resolution. It is to be regretted that many of

those Gentlemen are absent; but if they are, it is not for want of sufficient publicity being given of this meeting; and its object was well known; it is by no means likely if the present was adjourned, that there would be at any future meeting a greater number of persons, or more fully competent to express the sense of the community, than the highly respectable persons now assembled. Gentlemen, the absence of many from our present and former meetings, is almost sufficient to convince us that there are those in this Island who imagine they have an interest different from that of the great body of the people. If I should presume to give an opinion, I would say that those persons are very much mistaken indeed—that the interests of all classes is the same—that the prosperity of the one must naturally lead to the prosperity of the other—that if the planters and inhabitants are poor, the merchants cannot be rich—that if there are any of a different opinion, I would advise them instantly to depart from the country; as under present circumstances they cannot exist in it, for the reign of the monopolists is no more.

I differ very materially from my friend Mr. SIMMS, and from others, who state that it is on the capital of the merchants the prosperity of the country depends; and I shall tell you why I differ from them: because I consider the real wealth of this country, beyond that of any other I know, to consist in the labor, skill and industry of the people, and which only require to be judiciously applied, to realize all its resources. In what country have the people displayed more courage and skill?—Only take into view the native of this Island; without education, merely from the force of his natural genius, he builds a vessel, rigs her, takes the command of her, proceeds in her at the most inclement season to the North, and from its icy regions returns to your harbours loaded with the most valuable cargo. Gentlemen, the fisheries, with the cultivation of the

soil, which has been so sadly neglected, constitute the real wealth of the country, and not the capital of the merchants. It may be said that they cannot be made available without capital. No doubt capital would be very desirable; but not that moveable capital that when increased into *bulk* immediately takes its flight, without leaving a vestige behind.

Such employment of capital benefited the individuals without conferring the slightest benefit on the country. I would ask what capital the great monopolists brought to the Island? they came to it, scarcely without an exception, poor and penniless. Then if they came to the country without capital, and in a short time accumulated vast fortunes, is it not as clear as the sun at noon day, that it was not their capitals that benefited the country, but the country that benefited them. I shall admit that there have been some instances of merchants commencing business in Newfoundland with large capitals; but I believe there is scarcely one of them who did not lose that property; which proves that local knowledge and industry have been better even for the merchant to commence with than capital.

Mr. SIMMS thinks that an independent legislature is not expedient for us—that colonial assemblies are sometimes troublesome and inconvenient—and that some better form of government might be adopted. The same argument, with equal justice, might be adduced against the Parliament of England. Arbitrary Princes have always found that Parliament troublesome and inconvenient; but it has been invariably when it threw the mighty shield of its protection over the people.—Gentlemen, I have most earnestly to guard you against half measures; accept of no huxtering legislation: either get your rights fully established, or remain as you are: your present situation is much better than it would be under any other system short of colonization, which is neither more nor less than

the power within yourselves of making such local laws, not inconsistent with the general law of the empire, as you may think proper or necessary. I am aware that there are some persons who are so besotted and wedded to the present system, that they will represent colonization as a thing too terrible to mention—that taxation and every other evil must flow from it.—Surely, Gentlemen, the first object with a local assembly would not be to lay burthens on their constituents; they of course would first endeavour to better the condition of the country—protect the trade and fishery—encourage agriculture; and then if the improvement of the country required it, they would only lay on such a moderate impost as could be borne without inconvenience, and which would only be expended for the general good, and revert back with tenfold advantage to the people. I think it has been most ably and fully proved by Doctor CARSON, that the present revenue of the country is quite adequate to support a civil establishment on a more extensive scale than what at present is kept up. Before the commencement of the American revolution, the expenses of the civil establishment in New York and Pennsylvania were £4500 per annum each; that of Virginia and South Carolina £8000 each. New Jersey £1200. We already pay four times as much in taxes as was sufficient to support the government of New York, which contained four times as many inhabitants as Newfoundland; how much have we paid to the monopolists?—how much are we paying every day to our absentee landlords? We should not be called upon to contribute to the defence of the country; it is not required of the other colonies. That expense has been, I believe, with little exception, invariably borne by the mother country. If the other colonies have been protected, Newfoundland has stronger claims; as the direct and indirect advantages derived by Great Britain from the trade and fishery of this Island, have been far greater than

from any of the other colonies in North America ; and comparatively speaking, it has cost nothing for its protection and government.

The only reason given by his Majesty's Ministers against the formation of an independent Legislature in this Island, is, that the people are not in a situation to pay those expenses that are now borne by Great Britain. I shall not reply to, but smile at the courtly reason, and say, that it is the first time that my illustrious countryman, the Marquis of Londonderry, and his right honourable compeers, denied a boon to the people because indeed it would be burthensome to them. If they are so tender-hearted, charity should with them begin at home. Admitting the full force of the arguments against the great object we have in view, that we shall have to pay for it—can it be bought too dear? would you barter an atom of your freedom and independence for all the trash in the universe?

Some discussion having now taken place, as to which motion should first be put from the Chair, it was finally agreed that the original Motion was entitled to a priority, which having been read and seconded, was carried almost unanimously. Mr. SIMMS' Motion being seconded, was then put; when on a shew of hands only five appeared in its favour.

Mr. DAWE then submitted the following Resolutions, which were unanimously agreed to:—

Resolved, 6—That the Committee be authorized and instructed to use every legal and constitutional means in their power to obtain this most desirable object.

Resolved, 7—That a Subscription be now entered into for the purpose of enabling the Committee to carry the objects of this Meeting into effect.

Resolved, 8—That the present Committee be requested to continue their exertions, and that their number be increased to seventeen.

The following Gentlemen were then nominated in addition:—

MR. GEORGE LILLY, MR. ROBERT BRINE,
... WILLIAM DAWE, DR. WALSH,
MR. JOHN BURKE.

Mr. MORRIS having left the Chair, the same was taken
by Dr. WALSH, when it was

Resolved—That the Thanks of this Meeting be given to
Mr. MORRIS, for his able and judicious conduct in the Chair.

APPENDIX.

AS many allusions have been made in the course of this narrative, to that policy which obstructed the cultivation of the soil, we have thought it proper to say a few words on this important subject.

In a country presenting in climate and soil so many difficulties to the agriculturist, Government ought to concede the most liberal encouragement. Tenures should be unquestionable, and the proprietors ought to have uncontrolled power over their lands; they should have a preference in their markets, and every facility should be rendered for the conveyance of manure and produce; the Grants should be sufficiently large to enable them to combine tillage with pasturage. That none of these advantages have been afforded the Newfoundland agriculturist, will perhaps be best proved by affording to the public a copy of the government leases, which is the only title by which lands are held in Newfoundland, and by which a proprietor can leave it to his children. Governors restrict their grants to four acres!! the expenses of grants are five shillings per acre, subject to a rent of two and sixpence per acre per ann. and a fine of seven and sixpence per acre every thirty years!!! In this country a man can neither sell nor purchase land without the Governor's previous consent!!! and this

power has been capriciously exercised from party feeling !!!—
 The Governor reserves *twenty feet* on the banks of *all rivers and ponds* !!! Thereby depriving all proprietors of the delights and advantages of water ; and at any time he may deprive them of their lands, by giving an appraised value for them !!! It is only seven years since the inhabitants of Newfoundland first had these advantages conceded to them !!!

Government Lease.

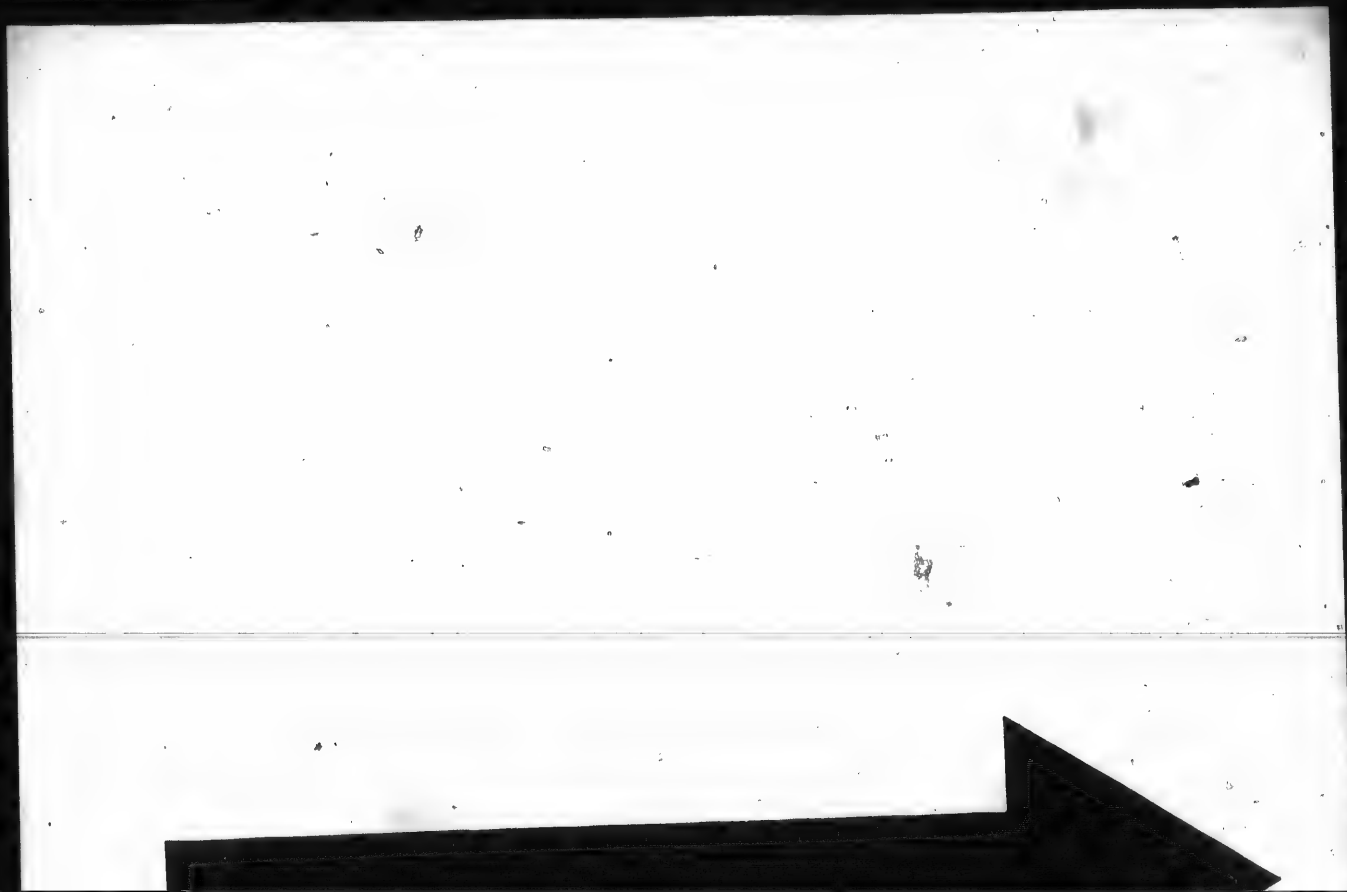
By His Excellency
 Governor and Commander in Chief in and over the Island of
 Newfoundland and its Dependencies, &c. &c. &c.

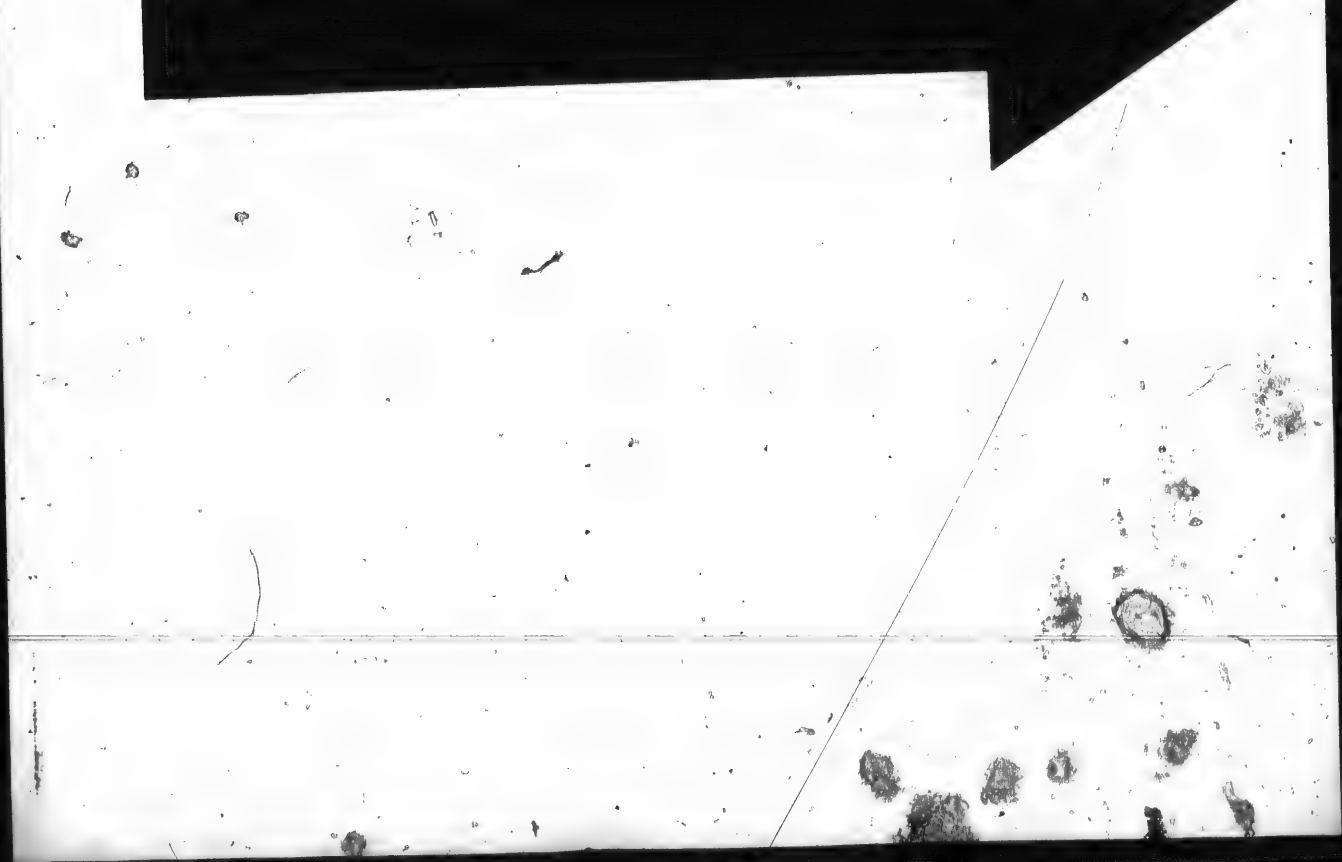
BY Virtue of the power and authority to me given, I do hereby grant permission to A. B. a resident inhabitant within the district of St. John's, in the said Island, to have, hold, use, occupy and enjoy, for the purpose of cultivation, for the use of his family, a certain spot of Ground, containing four Acres ; situate, lying, and being bounded on the by the river, (along the banks of which a sufficient public path is to be left twenty feet wide if requisite), &c. &c. for and during the full end and term of thirty years, subject to the payment of an annual rent of two shillings and sixpence, sterling money of Great Britain, payable unto the Governor of Newfoundland for the time being, or his Assigns, or to such person or persons as shall be duly authorized to receive the same, at the Government House, in St. John's aforesaid, on the first day of September in every year. But if it should be found necessary at any time or times hereafter, that the whole or any part of the said Ground should be possessed and taken for his Majesty's service, that a fair compensation shall be paid to the said A. B. his heirs or assigns, for his interest therein.

The said A. B. his heirs or assigns, is to enclose the said spot of ground with a good and sufficient Fence, and to clear and cultivate one full third part of the said Ground within three years from the date hereof, and the remainder within ten years from the date hereof; and shall and will at all times well and sufficiently build, erect, repair, support, sustain and maintain the Fences which shall and may be needful to enclose the said Premises; and shall and will at all times, jointly with the person or persons occupying the Ground adjoining, bear a just and equitable proportion of the necessary expense in making, repairing, and keeping in repair all the partition fences; and also that he shall and will at all times, bear his just and equitable proportion of the necessary expenses in making, repairing, and keeping in repair the public roads near or adjacent to the said premises, according to such estimate or estimates as shall be approved of by the Governor of Newfoundland for the time being, or by any person or persons appointed by him for that purpose.

And the said A. B. his heirs or assigns, is not to assign over, or otherwise dispose of his interest in the said Premises, or any part thereof, to any person or persons whatsoever, without the consent of the Governor of Newfoundland for the time being, first had and obtained !! and that he will upon any such Sale or Transfer taking place, cause the same to be registered in the Government Records,

And if the said A. B. his heirs or assigns, at the expiration of the term of thirty years hereby granted, having well and truly done, observed and performed all and singular the covenants and stipulations herein contained, and which on his part ought to be done and performed, according to the true intent and meaning of these presents, shall then pay or cause to be paid to the Governor of Newfoundland, for the time being, or to such person or persons as shall be duly authorized to receive





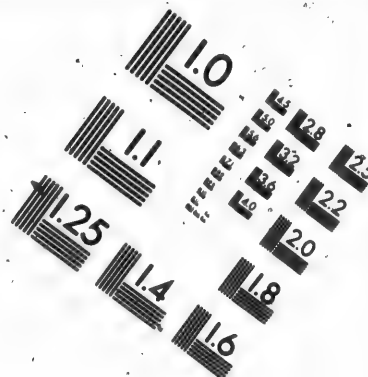
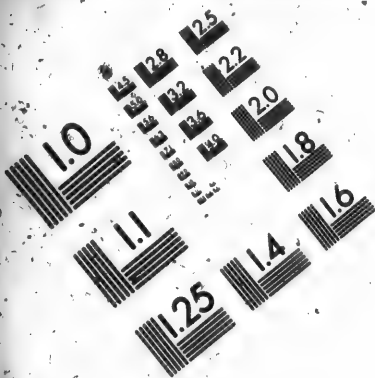
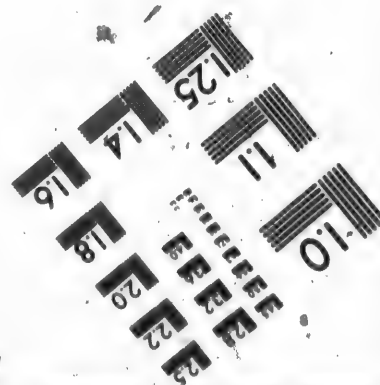
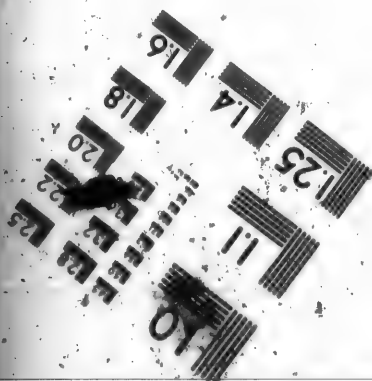
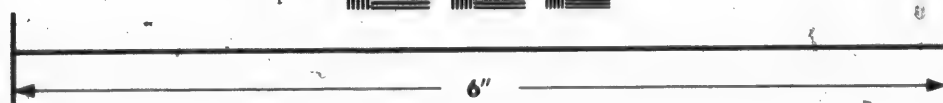
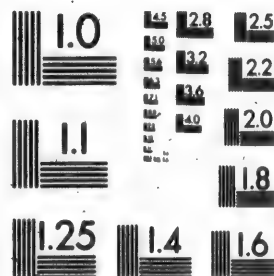
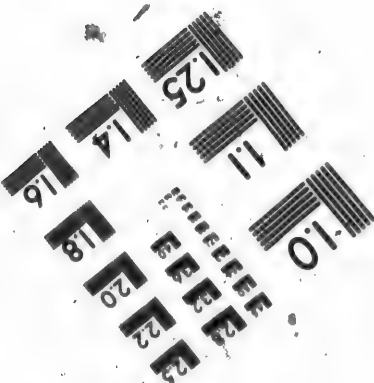
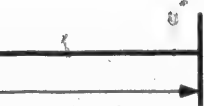
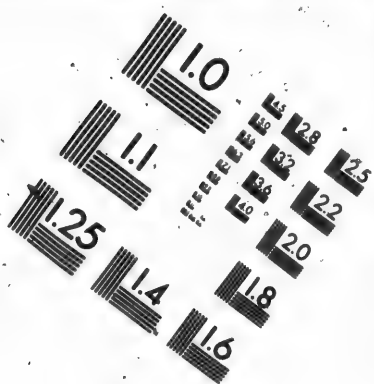


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the same, the sum of seven shillings and sixpence per acre, lawful money of Great Britain ; that in consideration thereof, he may continue, by virtue of this Grant, to hold the said Premises for a further term of thirty years ; and so also at the expiration of every thirty years afterwards ; subject however to the payment of the like clear yearly Rents, and performance of all and singular the conditions and stipulations herein before expressed.

Given under my hand and seal at Fort Townshend,
St. John's, Newfoundland, this day
of 18

The following Petition from the Inhabitants of Ferryland to the House of Commons, was presented by Sir JAMES MACKINTOSH, and ordered to be printed ; and though it formed no part of the Proceedings of the St. John's Committee, yet as it has the same object in view, we have thought it right to subjoin it in our Appendix.

TO THE HONOURABLE THE COMMONS OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND, IN
PARLIAMENT ASSEMBLED :

WE, the Inhabitants of the District of Ferryland, in the Island of Newfoundland, for the first time Petition your Honourable House. We are at this moment aroused to the exercise of that invaluable privilege of British subjects, of laying their complaints before your Honourable House, in consequence of cruel and ignominious punishments inflicted on the bodies of Philip Butler and James Landergan, Planters in Conception Bay, in July last, by the orders of David Buchan, Esq. of his Majesty's Brig Grasshopper, and the Rev. John Leigh, Episcopal Missionary at Harbor Grace, for what we deem a slight neglect or contempt of the Surrogate Courts. These unhappy

men, in seeking the Supreme Justice, in whose hands that the Surrogate punishment of the defendants. The following emp

" The Court will not allow the horror of the offence, and the suffering of this Action

" Jury F

The Court has gan to appear the hope that the sovereign and

At a Court of practitioners proposed to the summary judgment without a and we have rather reduced poverty and us to point such men Laws.

The Court in the circumstances These cir

men, in seeking redress for their sufferings and their shame, in the Supreme Court of this Island, were told by the Chief Justice, in whose legal decisions we have the highest confidence, that the Surrogates are legally authorized to inflict corporal punishment for Contempts; and the Juries found for the Defendants. The Jury in James Landergan's case used the following emphatic language—

“The Jury, in finding a Verdict for the Defendants, cannot allow this opportunity to pass, without expressing their abhorrence of such an unmerciful and cruel punishment for so trifling an offence as that inflicted on the unfortunate Plaintiff in this Action.

“WILLIAM HAYNES, *Foreman*.

“Jury Room, November 9th, 1820.”

The sympathies of his fellow men have enabled Landergan to appeal from this Judgment to the King in Council, in the hope that his situation will attract the attention of our Sovereign and his Ministers.

At a distance from the Supreme Court, and having no legal practitioners in our District to direct and assist us, we are exposed to the capricious exercise of an undefined, unintelligible summary justice, by which our fellow subjects, crimeless and without a legal trial, are exposed to infamous punishments;—and we have often witnessed, in one day, the industrious Planter reduced, by their decisions, from affluence and comfort to poverty and wretchedness. It must be quite unnecessary for us to point out to your Honourable House how ill qualified such men must be, from habit and education, to administer the Laws.

The laws and ordinances of Newfoundland were formed in the early period of its settlement; principally to meet the circumstances of a transient people and a moveable fishery.—These circumstances have passed away—and a resident popu-

lation, amounting to nearly one hundred thousand people, has sprung up, carrying on the various important and extensive fisheries on these shores. A population so extensive and rapidly increasing, we humbly conceive, requires the protection of a civil government, and a more enlightened dispensation of its Laws.

The exercise of the Sovereign power in this Island, rests solely in the Governor, unrestrained by a responsible Council, and unaided and uninfluenced by the collective wisdom of a Legislative Assembly. We are without all those civil institutions which adorn, which enlighten, and which civilize other countries: without the germ of improvement, it is in vain to seek for any amelioration of our condition.

Under such hopeless circumstances, we are induced to supplicate the wisdom and protective benevolence of your Honourable House, and to implore that it will be pleased to take all the circumstances of our situation into consideration, and be graciously pleased to endow Newfoundland in all the rights and privileges enjoyed by his Majesty's other transatlantic possessions.

And your Petitioners will ever pray, &c.

FINIS.

